
Mr. JOHNSON's NOTES
ON THE
Pastoral Letter.

Upon the Vote of the House of Lords, Die
Martis 24 Januarii 1692. It was resolved by
the House of Commons, Nemine Contradicente,

THAT the Assertion of King WILLIAM
and Queen MARY's being King and Queen
by Conquest, is highly Injurious to their Majesties
Rightful Title to the Crown of this Realm, Inconsi-
stent with the Principles on which this Government is
Founded, and tending to the Subversion of the Rights
of the People.

Die
by
ra-
AM
een
ties
nfi-
it is
ghts

NOTES
UPON THE
Phœnix Edition
OF THE
Pastoral Letter.

PART I.

By SAMUEL JOHNSON.



LONDON,
Printed for the Author. MDCXCIV.

27.10.11

To the BARONS and COMMONS
of ENGLAND in Parliament
assembled.

May it please your Honours,

I Do not seek your Protection for
these Papers, for I have it already
in your Unanimous Vote against
Conquerors; But I Present you with
a few Thoughts of an English Free-
man; to be vastly Improved in your
Large and Noble Breasts for the Pub-
lick Good.

God Preserve your Honours.

Die ersten Ergebnisse der Untersuchungen der Geomagnetischen Abstimmung in Südwürttemberg sind in der vorliegenden Arbeit zusammengefaßt.

THE P R E F A C E.

WHEN I understood that by the Author's Direction the Pastoral Letter was to be Reprinted, in the self-same Session of Parliament which Censured it; partly out of a Just Disdain that an English Parliament should be treated with such Contempt by an Intimate, and partly out of Indignation, That that Vital of Mischief should be again poured forth upon the Nation, I promised that if it were reprinted, I would bestow Notes upon it; hoping thereby to put a stop to that intended Insolence. But a week after, out comes the fly Counterfeit, as like the other as they could make it with a False Date, and a Dead Man's Name to it: And I have in part been as good as my word.

If there be a Complaint that we have Disputed Titles, they are owing to this Author, who has
trump't

The P R E F A C E.

trump't up a great many, but never a good one. I never saw any thing like the Pastoral Letter since I was a Boy, and then it was a Mountebank who spouted Wine, and would give you a Glass of any Wine you called for, White, Claret, Canary, young Hock, old Hock, any thing ; when every body knew there was not one drop of Wine in it, it was all Water Bewitch't. Perhaps it may be thought, that in these Papers, I have mingled very much of my own Private Resentments together with Publick Matters ; To which I have only this to say, Is there not a Cause ?

NOTES

NOTES
ON THE
Phœnix Edition
OF THE
Pastoral Letter.

I Should not have touch'd upon the Pastoral Letter any more, but that the Author affects a sort of Immortality for it, and will have it live after its last Funerals. It is not in my Nature to insult over a Burnt Book, for I attacqued it when it flourish'd. The Doctrine that is in it shall not live while it pleases God to let me live; and the proper way for me to Destroy it, is to Answer it. And I will try that way; for if the Highest Censures will

not do it, we must do as is done in like Cases,
we must Take a Wyth.

It is the Book, the Book alone with which I have a ~~Controversy~~, and not the Author at this time. The Book has no Station, which is so often of late insisted upon, let the Author's be in the third Heavens if he think so ; the Book is not capable of Fiocchio's or Cardinals Horse-top knots on or off, and therefore I need not stand upon Ceremony with it ; and the Book is a senseless Book, I will be judged by the Reader by that time I have done with it.

The Design of it was to make Men Swear to the Government at any rate, and because only the Jacobites stood out against the Oath of Allegiance, and were dissatisfied with it, the Government is made Jacobite, or what they will, that these Men may Swear upon their own Terms : And if they will not come to the Oath, the Oath shall come to Them. The Posthumous Apology which was made on purpose for it, in the short Preface to the *Measures of Submission*, does in effect own it to be a Drag-net of Comprehension, to take in the Fishes both Good and Bad. But if it had drawn in Dr. Sancroft and his Brethren, besides the deplorable Damage their

their living too long would have done their Heirs, it would only have brought a Family of Plotters into the Government. This plainly appears by the Bishop of Ely's Letters to the late Queen Mary, shewing that the Elder Brother and the rest of them, were intirely in her Interests and Young Master's. To bring Men into this Government with their Jacobite Principles along with them, is to let in so many Vipers into its Bosom. The Government needs no such Aids nor Supporters, and Non-swearers Enemies are less Dangerous than Swearers.

In the first Paragraph he endeavours to fright People into the Oath, by the old wheeling Motive *Venient Romani*; The French, the Irish, and Popish Tyranny will be upon you, if you do not take the Oath. Now whether the Romans come or stay, what is this to the Merits of the Cause? It is an Argument which may drive Men to their Duty, it may drive Men to Crucify our Saviour, for so it did when it was first urged.

I am the fairest Adversary in the World, though I say it my self, and will not dwell upon this first Paragraph, because he himself does

as good as throw it away in his Second ; but I must shake one Note in it before I part with it. One of the things, which he says we ought to fear and tremble at, is *Popish Tyranny*. I would fain know whether the word *Popish* added to *Tyranny* makes it better or worse ? One would think by this Phrase of *Popish Tyranny*, that several of our Prayers in this Reign had been Pastoral. Why, *Tyranny* is such a word, that nothing added to it can Blacken it. To put a bad Name upon *Tyranny* is false Heraldy. *Popish* and *Protestant* *Tyranny* are alike, their Effects are the same ; and there is no difference betwixt them but only in this, that *Protestant* *Tyranny* stole in upon this Nation, and *Popish* *Tyranny* cried *ware Horns*.

Sir Ellis Leighton used to go over into *France* in the time of King *Charles the Second's* Government, only to Curse it out of hearing, and to give himself that Vent abroad, which was not so safe at Home. The Burden of his Complaint was, that whereas the King had Promised to set up the Catholick Religion, which he might do by the strength of his Guards every day, he would rather play a damn'd long Church-game, which would last longer than his

his Life. It proved so ; but for all that it was a wiser Game than his Successor's, who Opened Shop too soon, and seemed to be in haste in every thing he did. He put out a Proclamation one day to Assure the Nation of their Liberties and Properties, and the next day (it was God's Mercy it was not the same) he put out another Proclamation to rob the Merchants in their Customs without the Grant of an Act of Parliament; without which he had no more Right to them than the Prince of *Wales* now has. In the mean time the Pulpits were the Ensurers of the King's Word, and said it was like the Laws of the *Medes* and *Perians* which Altered not. And as for the Customs, they Preached that he had a Natural Right to them: for they had gotten the true Art of spelling all the Oppressions and Devildoms in the World out of the pregnant word King ; though it is impossible to fetch any more Power out of that word, than just what the People of *England* have put into it. What I write is in the Memory of Man.

It is true, in *Sweden* the word King now of late signifies infinite Power; in *Denmark* since the Force put upon the Senate, it is Proclamation,

tion-Law ; in King Joseph's Kingdom of Hungary, it is doing of Justice in general, or according to his young Discretion ; in France it is Will and Pleasure because it is ; and it is the Mouth-watering General Excise, Standing Armies, Levying Money, All things. This makes him a Powerful and a Formidable Enemy ; but it would be more formidable to have those Outlandish things come hither, though it were to make another as Powerful Monarch here ; as the late Licensed Book of the State of England would fain have it. I take it to be a Licensed Book, because it was Published in the Gazette. But I tell that Author, it is impossible to have here in England such a brave thing as the French King is, till we be first made such sorry things as the French Subjects are, ~~are~~ ^{are} so bad

I have not forgot where I digressed, and I say that by Experience Popish Tyranny is so far better than Protestant, that People are more aware of it, and sooner rid their hands of it. We saw this so plainly in Powis-house, that nothing more can be writ upon the Subject. A Mass-house devoted to Destruction, was saved by the Inscription of my Lord Delavere's Name, that it was provided for his Lodging. But

a Protestant Inscription will never save a Mass-house a second time.

I might descant upon his Calling in Providence to decide a Title, which is to employ the Majesty of Heaven in Under-sheriffry ; and the Woes he lays upon Non-swearers, and *their Fighting against God, if they happen to be in the Wrong*, as I will swear they are : But I will keep my Word, because as I said he seems to recal his first Paragraph in his Second, which begins in these following words.

“ But all this may look like a Pathetical
 “ aggravating the Matter, unless it should ap-
 “ pear to be well supported. I go therefore
 “ in the next place to set before you those Rea-
 “ sons that seem convincing to me, even
 “ though there were no more to be said for
 “ the present Settlement, but that we have
 “ a Throne filled, and a King and Queen in
 “ Possession.

From henceforth therefore, Rhetorick apart, we must expect nothing but Reasons and convincing Reasons. I shall take the pains of examining them one by one, and find out if I can their Power of Conviction ; which I am afraid is like an Estate left in *Diego's Will*.

The

The First Reason which seems Convincing to him and sufficient for the Purpose, is that *we have a Throne filled, and a King and Queen in Possession.* A Throne filled, I think it is; for it never yet held more than one Person at a time, unless it were widened once in a Thousand Years by the Consent of the People. I believe that a King and Queen in Possession at once, or a King and Queen *de Facto* Together, in Opposition to *de Jure*, which the Scotch Parliament justly called a Villanous Distinction, would have frightened even *Coke* himself the first Author, that I know of that affected Distinction; and much more would have frightened old *Littleton*, out of whose Mouth there never came any thing else, but *Ung Dieu & Ung Roy*.

We know a King alone comes from Heaven, or a Queen alone comes from Heaven, and either of them Fills a *Jure-Divino* Throne: But to talk of Two in Possession together, without first naming the true Cause of it, which was the Good-will of the People, who were perfectly free to have had either, or neither, or both, is to talk of an utter Impossibility. For here all their Schemes fail them, all their Texts fail them, and they cannot shew any

any such Pattern in the Mount.

Besides, *Possession* even of a single Person is the worst Title in the World, it is the Claim of a Disseyfor, an Intruder, an Usurper, and of *Oliver*, who told the Fifth-Monarchy Man, that he only kept Possession of the Throne till King *Jesus* came, and then he was ready to Resign it to him.

The Pastoral seems to be aware of this, and therefore immediately these words follow in the same Paragraph. “ The bringing the State “ of the Question so low, may seem at first “ view not to be of so much Advantage to “ Their Majesties Title ; but since I intend “ to carry the Matter further before I leave it, “ I hope it may be no incongruous Method to “ begin at that which will take in the greatest “ Numbers, since there is no Dispute in this, “ that they are actually in Possession of the “ Throne, that they protect us, and that we by “ living under their Protection, and enjoying “ the Benefit of it, are therefore bound to “ make some Returns to them for it.

In my Life I never met with such a short-winded Author, for he is perpetually sucking in his Breath, and what he advances in the

beginning of a Paragraph, is presently recalled. *A Throne filled, and a King and Queen in Possession*, was in his very last Period a Convincing Argument for this Settlement, yea though nothing more were to be said for it; whereby it was made such a self-sufficient Convincing Argument as rendred all others superfluous and needless: And yet now in this Period he Blemishes his own convincing and self-sufficient Argument, as if it might lower and disparage their Majesties Title, and plainly confesses it to be purely Drag-net, as that *which will take in the greatest Numbers*.

One Convincing Argument is as much as one Thousand, and as the King has but one Plain Title which is the Gift of the People, so there is but one plain Proof of it which is the Instrument of Conveyance of the Crown by both Houses, which the King accepting of Confirmed the Thing. For that is very true, the King might have chose whether he would be King or no, he could not be made so against his Will, nor can any Man be forced to take a Trust. But after all this had passed in the Face of the Sun, and been transacted by the

the Greatest Authority upon Earth, I mean the English Community, which as King *Charles the First* says, ~~Moulded~~ this Government and made it what it is, and consequently both at first erected the Office of a King, and always disposed of the Crown as they found Cause, and never did it upon more valuable Considerations than in their last just Choice : I say after all this was done, and the King had a Throne given him by the only Competent Authority that could do it, and therefore had a Throne established in Righteousness ; for little Mercenary People to come in and start him new Titles, is instead of suffering him to enjoy that one Stable Throne, to offer him two Stools.

But being engaged in very great Choice of Titles and Arguments, I must go on. The last we look'd upon was bare actual Possession, from which he will infer the Duty of Obedience, but it must be drawn by the same Chymistry, whereby Sovereign Drops are Extracted for the Use of the English Ladies from very bad outlandish Blood. However let us mind the Process. Possession of the Throne infers Protection, and the Benefit of Protection infers a Reciprocal Duty.

I will wait for Better Arguments, for as for this, it will never Convince. It is no Dispute indeed amongst the Non-swearers, but it is their great Grievance, that there is an actual *Possession* of Kingship, where there is not a Legal Right first Proved and made out. And to call for Obedience in Return for such an unask'd and imposed and forced Protection, is as if a Man for his False Imprisonment of me, should demand me to be his Subject; and under pretence of guarding me from all my Enemies all that while, should require Taxes, and bring me in a Bill of Charges. I rather fancy that I have good Damages against Him.

Well but the Convincing Argument of *Actual Possession* is supposed to have led all People by this time to *Actual Obedience*, and then he has got their Noses in a cleft Stick, for then he will force them to swear, and having learn'd great A, they must go through with the whole Alphabet. These Powerful Consequences and Convictions we have in the following Paragraph.

“ A Man may Lawfully promise to do
 “ every thing which he may Lawfully do;
 “ so

" so that if it is Lawful to obey the King, it
 " is also Lawful to promise to do it. And
 " therefore since it does not appear that any
 " Persons do doubt of the Lawfulness of
 " obeying, it cannot with any colour of Rea-
 " son be said to be Unlawful to promise it ;
 " and if it is Lawful to promise it, it is also
 " Lawful to swear it ; for an Oath being on-
 " ly the Sacred Confirmation of a Promise,
 " we may Lawfully swear every thing that we
 " may Lawfully promise.

Now this is an Argument which cries snap like a Mousetrap, but will catch nothing. The Author loves a Mathematical way of Proving, and here it is. His *Axiom* or *Postulatum* is in the first Sentence, which I will allow and give Way to at present, and talk with it anon. But what he subsumes in the next Sentence is begging the Question and absolutely false, in these words. *And therefore since it does not appear that any Persons do doubt of the Lawfulness of Obeying, it cannot with any colour of Reason be said to be Unlawful to Promise it.* For I will Demonstrate on the Contrary, that it does appear that all that refuse the Oath and Ten thousand Men more do doubt of the Lawfulness
 of

of Obeying. As for the next Clause, it is an Irrefragable Truth and beyond all Controversy, *If it is Lawful to Promise Obedience, it is also Lawful to Swear it*: Because they are both the same thing. For according to the Oracle of our English Proverb, an Honest Man's Word is as Good as his Bond. And therefore with respect had to the honest and downright Genius of the English Nation, (let their Posterity take care not to degenerate) Our Constitution has assigned no more Penalty to a Perjury upon a Promissory Oath, than there is to a bare breach of Promise. Perhaps to other People, that can Blaw with Meal in their Mouth, this may be Unknown; but yet they will be always meddling in *Alienâ Republicâ*.

If the Non-swearers could give their Assent and Consent to *Obey*, they would certainly give their Oath likewise, and all that is within them. But by their doubting the Lawfulness of an *Oath of Obedience*, they plainly doubt the Lawfulness of simple *Obedience*, and not the Lawfulness of an *Oath*; for unless they be Quakers they cannot do that.

Which Way would he have their doubting of the Lawfulness of *Obeying* appear? Would he

he have them Mutiny, and doubt themselves into a Jayl ? Or how do they *Obey King William*, that would not obey him at all if they could chuse ? All the World knows that an Involuntary Act is not an Humane Act : And therefore what is here called Obedience, is Forced Obedience, and not the Obedience of Men ; it is Passive and Dog-kennel Obedience. For if their Heart be with King *James* and his Title, they cannot possibly Obey King *William* ; believing that he has nothing in him to be Obeyed.

And now I am at Leisure to talk with his Axiom, *A Man may Lawfully promise to do every thing which he may Lawfully do.* I will give him an Instance to the Contrary. It is certainly Lawful for me because our Saviour commands it, *If any Man compels me to go a Mile with him to carry his Burden, to go with him Twain* : though all such Precepts are to be taken with a Grain of Salt. But is it therefore Lawful for me to Promise this Man to be his Pack-horse all my Life, and to starve my Wife and Children in not Providing for them, and in so doing to be worse than an Infidel ? I trow not.

I will give him another Instance. In the Year 86. within three or four days after *Whitsunday*, there came down an Order from above, which I read and saw was Signed, to make me a Close Prisoner ; though I was in *arcta Custodiâ* before wrongfully, having purchased the Rules, and given two Thousand pound Security. The Marshal pursued this Order in removing me from one close Hole to another, till he had almost stifled me ; and perhaps they intended to murder me by a side-Wind. I sent him Word by his Steward, who is still living, that I had rather be Shot than be so used. However I submitted to this Usage, waiting for *Trinity-Term*. It cost me two or three Fees in Motions at the *Kings-Bench-Bar* to have the Liberty of the Prison, and that Counsel might come to me, because I had likewise Notice of a Trial. It was for my Address to the standing Army ; in which the Parliament that put the Crown upon the King's Head did me also very great Right, and owned it for a Publick Service, *which the Nation enjoyed the Benefit of to this Day*. I recite the words with all Thankfulness, being part of their Early Address to the King, which

which they voted *Nemine Contradicente* for my Promotion. But as I was saying, my Friends above and the Court of *Kings-Bench* were at that Time both of a Mind : for the Oppression they laid on, the other would not take off. At my Trial, and I take it for an Honour that it was then, for they had fully Conquered the Laws of *England*, they published the five Positions of the Dispensing Power : And when that was done, I publickly Challenged them for giving me no Relief from my duress and barbarous Usage. They had the Grace to tell me, that my Motion was to go abroad to Counsel, which I knew to be Impossible as well as they, being in Execution. I said that my Motion I was sure was Right, being drawn up by my own Hand, and several Gentlemen at the Bar generously attested that my Counsel, who was then not in Court, had Moved right. But I will say no more of those Judges ; for considering the great number of Brave and Honest Men which they have Hanged in their Time, when it comes to their own Turn, they will but Prophane a Gallows.

Out of this long and impertinent Story, I put this short Case. It was certainly Lawful for me to submit to this Usage, when I could not help it; but I had deserved to die the Death of a Dog, and had betrayed the Rights of an English-Man, if I had entred into Engagements to abide by it.

I will give him a third Instance. At the Parliament at *Oxford* in 65, when they made the Five Mile Act, there was the same Enslaving Project on foot, as there was afterwards in Seventy odd, to Swear to the Government in Church and State without Alteration. The Wise Lord Treasurer *Southampton* was against it, and said, that though he liked Episcopacy, yet he would not be Sworn to it; because he might hereafter be of another Opinion. And perhaps he had been further off from that Oath, if he had lived till now.

The Remainder of this third Paragraph follows in these words. " And as it appears " that there lies no just Objection to the swear-
" ing Obedience, so there arises none from
" the

he have them Mutiny, and doubt themselves into a Jayl ? Or how do they *Obey* King *William*, that would not obey him at all if they could Chuse ? All the World knows that an Involuntary Act is not an Humane Act : And therefore what is here called Obedience, is Forced Obedience, and not the Obedience of Men ; it is Passive and Dog-kennel Obedience. For if their Heart be with King *James* and his Title, they cannot possibly Obey King *William* ; believing that he has nothing in him to be Obeyed.

And now I am at leisure to talk with his Axiom, *A Man may Lawfully promise to do every thing which he may Lawfully do.* I will give him an Instance to the Contrary. It is certainly Lawful for me because our Saviour commands it, *If any Man compels me to go a Mile with him to carry his Burden, to go with him Twain :* though all such Precepts are to be taken with a Grain of Salt. But is it therefore Lawful for me to Promise this Man to be his Pack-horse all my Life, and to starve my Wife and Children in not Providing for them, and in so doing to be worse than an Infidel ? I trow not.

I will give him another Instance. In the Year 86. within three or four days after *Whitsunday*, there came down an Order from above, which I read and saw was Signed, to make me a Close Prisoner ; though I was in *arcta Custodiâ* before wrongfully, having purchased the Rules, and given two Thousand pound Security. The Marshal pursued this Order in removing me from one close Hole to another, till he had almost stifled me ; and perhaps they intended to murder me by a side-Wind. I sent him Word by his Steward, who is still living, that I had rather be Shot than be so used. However I submitted to this Usage, waiting for *Trinity-Term*. It cost me two or three Fees in Motions at the *Kings-Bench-Bar* to have the Liberty of the Prison, and that Counsel might come to me, because I had likewise Notice of a Trial. It was for my Address to the standing Army ; in which the Parliament that put the Crown upon the King's Head did me also very great Right, and owned it for a Publick Service, *which the Nation enjoyed the Benefit of to this Day*. I recite the words with all Thankfulness, being part of their Early Address to the King,

which

which they voted *Nemine Contradicente* for my Promotion. But as I was saying, my Friends above and the Court of *Kings-Bench* were at that Time both of a Mind : for the Oppression they laid on, the other would not take off. At my Trial, and I take it for an Honour that it was then, for they had fully Conquered the Laws of *England*, they published the five Positions of the Dispensing Power : And when that was done, I publickly Challenged them for giving me no Relief from my duress and barbarous Usage. They had the Grace to tell me, that my Motion was to go abroad to Counsel, which I knew to be Impossible as well as they, being in Execution. I said that my Motion I was sure was Right, being drawn up by my own Hand, and several Gentlemen at the Bar generously attested that my Counsel, who was then not in Court, had Moved right. But I will say no more of those Judges ; for considering the great number of Brave and Honest Men which they have Hanged in their Time, when it comes to their own Turn, they will but Prophane a Gallows.

Out of this long and impertinent Story, I put this short Case. It was certainly Lawful for me to submit to this Usage, when I could not help it ; but I had deserved to die the Death of a Dog, and had betrayed the Rights of an English-Man, if I had entred into Engagements to abide by it.

I will give him a third Instance. At the Parliament at *Oxford* in 65, when they made the Five Mile Act, there was the same Enslaving Project on foot, as there was afterwards in Seventy odd, to Swear to the Government in Church and State without Alteration. The Wise Lord Treasurer *Southampton* was against it, and said, that though he liked Episcopacy, yet he would not be Sworn to it ; because he might hereafter be of another Opinion. And perhaps he had been further off from that Oath, if he had lived till now.

The Remainder of this third Paragraph follows in these words. " And as it appears " that there lies no just Objection to the swearing Obedience, so there arises none from " the

“ the word *Allegiance*, for that being in its Ori-
 “ ginal Signification, nothing but the Service
 “ that a Vassal owed to the Chief Lord of
 “ the Fee. If the King is owned in Fact to
 “ be our King, then he is the Lord of the
 “ Fee, and by Consequence *Allegiance* is due
 “ to him ; Allegiance being also now in our
 “ present Acception, *An Obedience according to*
 “ *Law*, that is to say, not a Blind nor Abs-
 “olute Obedience, but such an Obedience as is
 “ defined and limited by the *Law*, then the
 “ Scruple that arises out of the Word *Allegiance*
 “ vanishes.

Even in this short Remnant there are abundance of things liable to Exception. First, That he runs away with an Oath of Obedience, as if he had gained his Poin^t, which he has not done, and never can upon these Principles. 2dly, That he here gives us a Notion of Allegiance by the halves, and not the full and adæquate meaning of the Word ; no nor yet, *Pag. 24.* that is eighteen Pages off, where he drops something more concerning that Word. 3dly, That he makes the King the Lord of the Fee, to intitle him to the Allegiance

ance of his Subjects. I am sure he cannot tell what Fee: As if the King were Landlord of all *England*. 4thly, He makes a King *in Fact* to be Lord of the Fee; as if English-men did not know their True Landlord from *John a Green*. 5thly, He would have People swear *an Obedience according to Law*, in opposition to a Blind and Absolute Obedience; though they are still to retain their Passive Obedience, which is certainly Blind and Absolute Obedience, or else there is no such thing in the World. I shall slightly touch upon each of these in their Order.

First of all he out-runs the Constable, in taking for granted an Oath of Obedience, where he has neither proved bare Obedience, much less a Promise of Obedience onwards, to be due; for which I refer my self to what passed on the former part of the Paragraph. It is true indeed what a Right Reverend Preacher said, *That Possession is Eleven Points of the Law*; But where is the Twelfth? We want the Point of Right; without which the Eleven Points of Law, are like the Verdict of Eleven Jury-men, for receiving of which King

Alfred

Alfred heretofore hanged one of his Judges.

Secondly, He here gives us a Notion of Allegiance by the halves, for he says, *It is in its Original Signification nothing but the Service due to the Chief Lord of the Fee.* What nothing more? Yes, it was always likewise the Duty which the Liege-Lord owed to his Liege-man. Allegiance and Fealty were always Reciprocal. And therefore he need not say so sparingly, p. 24. that *an Original Contract was implied in it*, for it was an *Express Contract*. Allegiance was always a Mutual Bond, and a Duty that was promised interchangeably. It was so when *Canutus* and the English swore Fealty to one another at *Southampton*, *Brompton* p. 903. l. 57. It was a true Bargain upon Articles treated of and agreed upon before-hand. “ *Ut me te-* “ *neat* (says the Liege-man in his Oath) *sicut* “ *deservire volo, & totum mihi compleat,* “ *quod in nostra prælocutione fuit, quando* “ *sius deveni, & ejus elegi voluntatem.* ”

Thirdly, He makes the King *Lord of the Fee*, to intitle him to our Oath of Allegiance. It is nothing so, for the People of *England* do not hold

hold of the King, what Holy Church does I know not ; they may be his Vassals for ought I know, I am sure I am none. Our Allegiance stands upon truer and surer Grounds. The King of *England* is Invested with the Regal Office of Governing a Free-born People. This High Office and Dominion was given him by Law, and all his Powers which are very Great, and give him an Opportunity of doing a world of Good, are all stated by Law ; for else how should we know they are his ? and they are butted and bounded by Law, or else they might be pretended to be Infinite. We find it thus in the first Constitution of this Monarchy in the beginning of the *Mirror* ; and thus the Office of the King stands delineated in the 17th Chapter of *Edward the Confessor's Laws* : where, by the by, we find that King *James* Forfeited, and ceased to be a King.

Our King has the most Glorious Crown this Day in Christendom, for it has not that dark Side of Impotency, which by some is falsely called the Power of doing Wrong. This Crown at the time of his Coronation he used to be Adjured not to meddle with, unless he would

would observe his Coronation Oath *bonâ Fide* & *sine malo ligatio*. It is a Righteous Oath, and wonderfully for the Benefit of this Great People; and when he has done this, he has a Legal Right as well as a Conscientable to the Oaths of all his People. For if his Subjects will not swear to Him, let us give the King his Oath again. It is true, Sworn or Unsworn both Prince and People are upon the Terms of the Government, which is a Stable thing, and not like Cannon to be new Cast, only to put the present Prince's Arms upon it: But still I say, for the Prince to be Sworn and the People not, is like a Marriage on One side; as if the other Party were to be at a loose end, and left to discretion.

I am clearly for the old Law of Swearing every one above Sixteen at the Court-Leet, and not suffering any one that sets foot upon English Ground to be Unsworn above ~~Quarante~~ yours, which is the Ancient Common Law. And he that will not take the Oath ought to be treated as an Outlaw; for he ought not to live under a Government, who refuses to give it the Customary and Legal Caution. If they dote upon King James's unextin-

extinguishable Right, they would do better to be at St. Germains than here: for if I had a Rightful injured Prince abroad, my Sense of Allegiance would prompt me to follow him to the World's End.

Fourthly, He makes a King in Fact to be Lord of the Fee. We have been too long haunted with this word *Fact*, and therefore I will try to lay the Goblin. Either a King is a Rightful King or he is not; if he be, write him down so, but never call him Fact, that is Wrongful King, Usurper, Pretender, Tyrant in Title, Idol, Counterfeit King, No King. For he that pretends to a Power and Office which is by Law, and which the Law does not give him, has it not. Every Inch of a King's Power is Legal, and he must come Legally by it: *Lex enim facit Regem*; and again, *Per quam factus est Rex*, as our Common Law speaks by the Mouth of old *Braeton*.

He that is not let into the Government by Law has nothing to do with it, he is a private Person as you or I may be. *St. John 10. 1. He that entreth not by the Door into the Sheepfold, but climbeth up some other way*, Why what of him?

He

He is in Possession, he is a Shepherd *de Facto*, he takes upon him as if he were the true Shepherd; But what says our Saviour? *the same is a Thief and a Robber.*

If I were a Bishop of King *William's* making, I would never for my own sake call my Founder a King *de Facto*. For *Leo the Eighth*, who was a Pope *de Facto*, and gave Orders, and did all other Apostolical things, made Bishops and Clerks only *de Facto*: for they were afterwards forced to sign their own Nullity in these words. *Pater meus nichil sibi habuit, nichil michi dedit.* For indeed of *Nichil* comes *Nichil*. *Radulphus de Diceto ad Annum 968.* p. 457.

Suppose any Man by forcible entry gets Possession of the Mannor-house, Is he thereupon Lord of the Mannor, or has he a Right to the Rents of the Tenants? It intitles him to nothing that I know of, but to be followed by a Writ of Ejectment. For the Right and the Estate are for ever Inseparable. For though the Right Owner be not in the Estate, yet the Estate is always in Him.

Fifthly, He would have People swear *an* Obedience according to *Law*, in opposition to a

Blind and Absolute Obedience, though they are still to retain their Passive Obedience, which is certainly Blind and Absolute Obedience, or else there is no such thing in the World. He has, p. 20. l. 15. entred a Salvo for the *Highest Principles of Passive Obedience*, for he argues from those Principles, and shews how the Oath shall not hurt them. I will discourse further of that Matter when I come to it, and I will prove that those Highest Principles of Passive Obedience are his own: And that there is not ranker Passive Obedience, nor more grown up to Seed, than that which stands Unretracted in his own Books. In the mean time how can he take into his Mouth such honest words, as *Obedience according to Law*? For his Passive Obedience is all the sorts of Blind and Absolute Obedience, that can enter into the Heart of Man to conceive. It is Blind and must neither see nor examine, and it is Dumb that must not dispute, and that openeth not its Mouth. And it has resigned it self till the Day of Judgment, at which the Welchman who feared Hanging desired to be tried, but all Plaintiffs desire a shorter Day. In a word it is Obedience without Reserve, it is bottomless and endless.

For

For it is all the Absolute Obedience in the World in the second Instance, I mean, not in the performance of the first bare Command, but as that Command is inforced with a Penalty. For Example. Suppose I lived under the Great Turk, and he for Will and Pleasure commanded me to break my Neck down a Precipice, and I on the other side, out of a natural tenderness for Life, desired to be excused; why there is the biggest Command in Europe, *Asia* or *Africa* lost. But if Passive Obedience come in the Black Box, I must give up my willing Neck to the Bowstring, and there it is broke without resistance, and the thing is done. And suppose this be practised upon 6666 Men, then you have a *Thebaean Legion* compleat. And Oh! What a Fervour would such a Story leave upon some Mens Minds? What a Heavenly thing Slavery and Suffering is to some Men! But then it is always other People's suffering and not their own, which so wonderfully Edifies them.

For my part I always hated Passive Obedience both for my self and every body else, and yet a great deal of it has fallen to my share; so that I am the better able to write

against it, having had occasion to study the Point, and having known the thing by Experience: As my Lord Montaign will allow no Man to be a competent Physician, nor able to Cure any one Disease, which he has not laboured under himself. I say then, that Passive Obedience is the Upshot of the most Blind and Absolute Obedience in the World. For an Infinite Obedience resolves it self only into this, either to do the thing or to do worse; either to Fulfil the Tyrant's Will and Pleasure, or to Suffer it. Now when we are come to Suffering and Passiveness, this is the last Office that can be done to a Tyrant: And if this be the Duty of the People of *England*, they live under the last Degree of Tyranny.

It is vain to talk of *Laws* which secure to us our Lives, Liberties and Estates, when Passive Obedience comes into play: for the Property we have in these things, which makes them all our Own, is swallowed up by Irresistibility; and all the ridiculous Ownership we have, is the ridiculous English word, *Mine-take-it*: which all the Children in

England

England know, is equivalent to Your's take it.

For if a Thing be not mine to keep, it is none of Mine; but it is Uncontroulably His, who can take it away without Controul.

A Prince needs not an Antecedent Title to that which is His for sending for: His Title commences in sending for it. And *Cæsar* has an undoubted Right to All things, if no Body has a Right to say him nay.

The Ghostly Doctrine of Passive Obedience superinduced upon our Civil Rights, is like the *Saving* or Reserve of the King's Sovereign Power, wherewith the Court and Bishops would have clogg'd the Petition of Right, *4° Caroli*: which would have frustrated the whole Act, and supplanted every Branch of those Fundamental and Inherent Liberties, which are there Claimed and Confirmed. The Wise Conferences full of Law and Learning which passed upon that Occasion, are worth every body's Reading, either in the *Ephemeris Parliamentaria*, or even as they lie in Mr. *Rushworth*'s Collections. For whenever Sovereign Power and Irresistibility exert themselves,

selves, we are gone: And if we are bound in Conscience to submit to Commands Illegal, there is an end of all Law.

These Men do very Wickedly and Prophanely, not to say Blasphemously, to Christen their Bowstring Obedience, and to call it the Doctrine of the Cross; thereby Abusing the Adorable Mystery of our Salvation, and turning it into a State-Engine of Tyranny and Slavery. For it is not *the Doctrine of the Cross* in any wise, unless it be in some such wretched meaning as this, That no Free Nation can live under it.

What is done according to Law every Body must abide by, because every Body's Consent is involved in the making of every English Law, and then it is no more than Common Honesty, to stand to one's own Act and Deed; But in the way of the Passive Doctrine to prostitute the Lives, Liberties and Estates of the People of *England* to the Will of the Prince, is Treason against the Realm, and Higher Treason than the High-Treason against the Prince: For as *Fortescue* and the rest of the Lawyers say, the King was made for the Kingdom, and not the

the Kingdom for the King. And as Treason against the Realm is such as the King cannot pardon, so it is such as an Actual King by Succession is capable of being guilty of; as appears by several Acts of Parliament, which I can shew to any Dabbler in our Government that understands it not.

He clenches his third Paragraph with a Fourth which follows in these words. “ This “ is either true, or all these who live upon “ a Continent, and that are subject to the “ Conquests and Invasions of their Neigh- “ bours, must be miserable: For though our “ Happy Scituation has exempted us for a “ whole Age from falling under any such “ Difficulties, yet this is a Case that falls of- “ ten out in all different States, which are “ on the same Continent; for if Subjects “ owe their natural Prince such an Obstinate “ Allegiance, that neither Desertion nor Con- “ quest can dissolve it, then in what a mi- “ serable Condition must they be, when they “ fall under the Power of their Enemy, “ that never thinks himself secure of them, “ but treats them still as Enemies, till they “ swear Allegiance to him? Now all the “ true

“ true Maxims of Government being such,
“ that they must tend to the Preservation and
“ not to the Ruin of Mankind, it is certain
“ that all those are false which tend to the
“ inevitable Destruction of Cities, and So-
“ cieties; and therefore this of an indiffeasa-
“ ble Allegiance, must be reckoned among
“ these, since the fatal Consequences that
“ must attend upon it are evident; and this
“ is the Opinion in which all who have con-
“ sidered this matter, either as Lawyers or
“ Casuists do agree.

This is shifting the Scene; for he knows that we are a World by our selves, and have nothing to do with the Continent. It is a Londlopeing Argument; and till we are in the Condition of the Flanderkin Town\$, he need not urge us with their Practice and Example. And he is wholly out of the way in every word he utters. For we are not Des-
serted or Forsaken, nor Conquered or Subdu-
ed, nor under the Power of an Enemy, nor treated as Enemies, and cudgelled into an Oath of Allegiance, nor ever will be. If I were hired to write against the Oath of Allegiance, I would use such Arguments as this is.

is. Are we in the Case of those, that are Slaves under the Spaniard and Slaves under the French, that often change their Master, but never their Condition ; that are Prize and Retaken and Prize still ? Let him answer me to that. If not, why must our Vertue be taught us by their Necessity ? God help them, my Soul pities their Case, and I should not readily know what to do in it, because I never considered it. And perhaps it is like one of those wherein our Saviour forbids Forecast, and would have no Man Premeditate, but promises help at a dead Lift, *Dabitur in illâ Horâ.*

But in all his Travels could he find no Copy for us to write after, nor no Body to match us with, but a Conquered People ? What then is become of our Thanksgiving Deliverance, which God and Man have been told of ? If after all we are to be in the Condition of a Conquered People, it is a Deliverance downstairs, and our last State is worse than the First. For we were not Conquered in King James's Time, though we were in election to be so, and though his *Westminster-ball* Red-coats had made a fair Progress in it. And

therefore I am sure neither King nor Parliament have reason to thank him for the Choice of this Argument.

When all is done, as I said before, all Arguments that come from abroad are Foreign to Us. We live under Municipal Laws, and Local Statutes, and By-Laws that are Peculiar to this Empire. And therefore if he had offered us the tenth part of an Argument, fetch'd out of the Bowels of our own Laws, we would have hearkn'd to him ; but as for his Stories from abroad, he may even if he pleases carry them home again.

But I love to talk with his Maxims, as I do the sight of an Ass, who looks like Wisdom and Gravity, and is not. For Allegiance Defined by Convenience, is much like Religion Defined by maintaining a Coach and Six. However let us have his own words over again.

“ For if Subjects owe their Natural Prince such an Obstinate Allegiance, that neither Deserion nor Conquest can dissolve it ; then in what a miserable Condition must they be, when they fall under the Power of their Enemy, that never thinks himself secure of them, but treats them still

“ as

as Enemies, till they swear Allegiance to
him. ~~him. or him. and so~~

Now I can tell him that Allegiance is so
Obstinate a thing, that neither Deserion nor
Conquest, nor any thing in the World but
what is intrinsical to it, (that is Breach of
Covenant or Content of both Parties) can
Dissolve it: It is a Moral Duty, and Hea-
ven and Earth may pass away before Allo-
giance can pass away. As for Deserion we
must first know what it is, before we can
know whether it will affect our Allegiance.
A Souldier's Deserting and running away
from his Colours we know, but what is this
Deserting a Crown or a Kingdom? A Refig-
nation, Renunciation, Cession, accepted by
the People is valid, and they are words cur-
rant in our Law, and the Prince being there-
by Deposed, Allegiance ceases. But as for
Deserion we must enquire further about it.
Did the King Desert Willingly or Unwil-
lingly? Did not his People Desert him first?
If so, then for shame never say that King
James Deserted, but say that he was Deserted.
Well, now we are coming to the Merits of the
Cause. Had the People Reason to forsake

King *James* or no ; had he Forfeited, had he broke his Allegiance first, was He the Aggressor ? Yes. He had made our Allegiance to him Impossible. For we were by the Constitution Sworn Brethren, *Conjurati Fratres ad Defensionem Regis & Regni*, and he had brought things to that pass, that we must either part with our King or our Realm. The keeping our Allegiance to King *James*'s Person would have Perjured us ; for we owed a Higher Duty to our Country and Laws, to which he was sworn as well as we. But instead of the double Duty which lay upon him of *observare & observari facere*, of Keeping the Laws and Causing them to be kept, he abridged our Common Law and Statutes into five Positions of a Dispensing Power : After which I would never look upon a Statute-Book more, but kept the Copy of that Compendious Law always in my Pocket, to see whether it would outlast the Paper, which fell in pieces at the Prince's coming. Now an Allegiance to the Destruction of our Laws is no Allegiance, it makes our Circumcision to become Uncircumcision.

What

What is Impracticable is Void ; as those great Souls saw, of whom the World was not Worthy, who would have set aside the Duke of York in time, and not have suffered him to play his *Rex*, which they knew was a Contradiction to this Government. A Traytor King, a Protecting Destroyer, and a Wolf Shepherd, they knew were things not of a Piece, and Irreconcileable. And therefore all Honest Men were for being rid of King *James* long before, and they were in the Right. It was not such a puiny thing as the after-clap of a Prince of *Wales*, which made them part with him. For though the laboured Discovery of that Fraud would have done great Service to this Government, and ought not to have been spoiled, by being put into a strong Box, and let out again to disadvantage ; yet we must have more than a Supposititious Child, to Justify this Revolution. For you must stop there ; you may indeed set aside the Changeling, but that does not extend to Out the Father who was Tenant for Life, because perhaps his Wife went fourty Weeks with a Cushion.

In short, knowing that King James was a Contradiction to the Government, and had rendred our Allegiance Impossible, we parted with him upon Reasons that were Primitive and Coeval with the Government ; but as for those that do not allow that he Forfeited, and yet would not Assist him against an Invasion, as he Proclaimed it ; and as for his Mercenaries that Revolted from him, and pick'd his Pocket, what Reasons they had I know not. If he Deserted he was forced to Desert, for the very Ground he stood upon fell from under him, as I told more than Fourty People it would be so, before ever the Prince of Orange embarked ; and because I loved my Country, was mightily pleased, that it would be a brave Dry Dutch War without any Blood-shed. And therefore as for those that forced away James the Just, (when according to them he had made no Forfeiture,) either by their Resistance of him, or by their Non-assistance, They must never plead his Deserion in discharge of their Allegiance ; for that is to make their Crime their Plea, and to take Advantage of their own Fault, which neither Law nor Reason will ever admit.

So much for Desertion; now for Conquest, which is become a very Great modern Point. And here we meet with new and unheard-of Conquests, of a King Conquered, and not one of his Subjects; For so all the Conquering Bishops now pull in their Horns and say, that they meant, that King *James* alone was Conquered, and not the Nation. That is a cleaverer Tip in my Opinion, than taking out the Middle Pin, and throwing down none of the rest. But let us see now what Earnings they will make of their Ten-pin tip, their Solitary Captive King *James*. If the Prince of *Orange* did Conquer King *James* in a Just War, why then he was his Prisoner of War, and he might sell Him and his wearing Clothes: Or because as another Bishop says, *The Rights of War are the same here as they are abroad*, he might have put him to Fine and Ransom, as the French King did the Duke of *Wirtemberg*, or as *Teckely* did General *Heusler*. But what does this Intitle him to further? Not a Farthing of the Revenue, for that is Publick Money; not a Jewel of the Crown, for that is the Goods of the Kingdom; much less to a Dram of Allegiance, for that is wholly a new Score.

And

And yet this Conquest is continually alledged, both in and out of the Pulpit as a Motive for Swearing, as if it were the chief Ingredient in our Allegiance to this Government.

There is nothing at all gained by Conquering King *James's* Person, for he did not carry the Government of *England* about him. If he had been willing and so disposed, he could not have Resigned the Government to the Prince of *Orange*: for the Parliament, in *Edward* the First's time, declared King *John's* Resignation of this Kingdom to the Pope to be Absolutely Void, because it was done **sans leur Assent**, the Parliament's Consent was not had to it. And on the other hand the ruining and spoiling an Old King, does not make a New one. For that is but a **Tartar's** Conceit, that if he destroy a Wise or Handsom Man, he shall forthwith inherit his Wisdom or Beauty.

But how came King *James* to be so abandoned, as to be singled out and Conquered by himself? We that knew he ceased to be a King, or perhaps of Right never was one, can give a fair Account of this Matter. But where were his Lieges all this while, that held him

him for their Natural Lord, and by Divine Right, and yet failed him? They that thought their Allegiance intire and not Dissolved by King James himself, ought by Law to have Defended him *Contra omnes homines Vivos & Mortuos*, against all Men both Alive and Dead: So that if old Schomberg should chance to walk, for ought I know, by Virtue of their Allegiance, they are bound to fight his Ghost. This is a Consideration which belongs to the Conquering Bishops and their Inferiour Clergy, and I leave it amongst them.

So much for this new-fashioned Partial Conquest, of a King Conquered and his People Untouch'd. But I have known by long Experience, that to serve a present Turn, these Men have an excellent Faculty at newly devised Fables. I believe it was never heard of from the beginning of the World, that any one who was owned to be their Rightful King, was ever Conquered and his People not; but instead of that, They look'd on. Such a Kingdom belongs to some other World and not to this; for in this World, as our Saviour said, their Subjects and Servants would

Fight for them. This is the new Separate Interest; as if a King were not so much as Knight of the Shire, or as if the County were no way Concerned in their Representative.

As I said before, I set aside this Partial Conquest, and come to that which is a True Conquest, and will examine whether that Dissolves Allegiance. Suppose a King and his People, (who are all of a Piece till either of them break Faith with the other) are both run down and fall under the Chance of War. It is no matter which of them is in the Conqueror's hands, because they are all as one. If their King have that hard Fate, they must either Rescue or Ransome him, though their private Money and their Church-Plate go for it: And if any of his People fall into the Enemies hands, He must do the same by them. If neither of them can do this, but they are overpowred and unable; the next thing is to Advise the Party that is in the Briars to make the best Terms they can, *Redime te Captum quam queas minimo.* This is a Duty on both sides, and where this Advice cannot be express'd, it is always implied, and

and justly presumed. But how then does Conquest Dissolve Allegiance, when it is plainly the Agreement of the Parties themselves, which sets them Free from one another.

But the last part of this Paragraph is Oracle, and therefore we ought to hear it with great Attention. " Now all the true Maxims of Government being such, that they must tend to the Preservation and not to the Ruin of Mankind, it is certain that all those are false which tend to the inevitable Destruction of Cities and Societies ; and therefore this of an indefeasable Allegiance, must be reckoned among these, since the fatal Consequences that must attend upon it are evident ; and this is the Opinion in which all who have considered this Matter, either as Lawyers or Councillors do agree.

I have ever had a great aversion to all Maxims of Government true or false ; for there always lies lurking this Deceit in Generals and Universals, that though they be True for the most part, yet they are conceived in Terms large enough to be falsely applied, and then they become False, and are

Usually the Tools that Dishonest Men go to work with : And I never saw a Man deal in Transcendental Politicks which are over our Heads, and avoid coming down to Particulars and to the Point, but with a Purpose to Deceive. This of mine is likewise General Talk, and therefore I must come to Instances. *Salus Populi Suprema Lex esto*, Let the Safety of the People take place of all Laws, was the old Roman Law, and a celebrated Maxim of State ever since. But because in Monarchies the Interest of a Prince drowns that of inferiour People, and the Life of my Lord the King is worth ten Thousand of Theirs, I have seen this Maxim, by no less a Casuist than Bishop Sanderson made free of the Court, in such a manner as has made a Ricketty Head, and the Destruction of a great part of the People would still have been *Salus Populi*. Though I expected no better from such a Casuist, who makes Six in the Hundred Sabbath-breaking ; and every one that takes lawful Interest for his Money to be guilty of the Breach of all the Ten Commandments, and particularly of the Fourth, because his Plough goes on Sundays.

Necef-

Necessity has no Law is another Maxim, but it is pity there is not Law for it, for it has always been on the Court Side, and never on the Countrey's, though one would think the Maxim lay equally betwixt them both ; but the truth of it is, they either are or should be all one. In the beginning of King *Charles the First's Reign* it was loudly complained of in Parliament, that Necessity was an Armed Man and an Evil Counsellor, and indeed it had done much Mischief then ; but not so much as the L. C. J. *Bank's Maxim* did afterwards, *That there was a Rule of Law and a Rule of Government*, and the Rule of Law must knock under and give way to the Rule of Government. Yes, it was that Rule of Mis-Rule that Confounded these Nations, and was the Death of many Hundred Thousands of brave Men, who were not so easily rear'd. And in the late King *James's time* Necessity return'd again and cancelled all our Laws, and was the chief Ingredient in the Dispensing Power. Yet after all I must acknowledg that a real and not pretended Necessity is Superior to all Law. For Unforeseen Cases may happen,

happen, and such as admit of no delay, wherein the Lawgivers themselves would have made their Laws quite otherwise ; though this can seldom be, where there are to be Anniversary Parliaments, and Parliaments always within call. But then all Men must act very honestly in such Cases, and so as to acquit themselves to their Countrey, for to them they must Answer it, who are competent Judges of so plain a thing as Necessity is For I believe the refined Statesmen themselves cannot but say, that Common People have Common Sense. Whereas to say that the King is sole Judge of Necessity, as our false Judges did in the last Reign, is to bring us back to *Richard the Second's Maxim, That the Law of England was in his Breast and in his Mouth.*

Another Maxim which was to have Converted my Lord *Russell* and to have saved his Soul, (in the Letter which in a new way was brought by the Sender,) was this ; That in Case our Religion and Rights were Invaded, it was unlawful to defend them, *Because the Government and Peace of Humane Society could not well subsist upon these Terms.* I have been assailed with

with this Maxim, and it has been quoted upon me several times even in this Reign, and therefore I shall answer it.

I ever took it for granted that Government ceases and is lost, when all the Ends of Government are Destroyed, as they plainly are where the Religion and Rights of a Kingdom are Invaded, for the more surety and security of which Rights, Men at the first entred into Society ; I speak the Language of *Forescne*. Who then in this Case is the Friend to Government and would have it live, He that Invades, or He that stops such Destructive Invasion ? Again, who is it that breaks the Peace of Humane Society, He that Invades all that Mankind have, or they that are only willing to Defend their own ? I in my Simplicity thought that the breach of the Peace had been with the Trespasser. And I thought likewise that by the Law of *England* I might justify the beating of any Man that would take away my Goods, and that in so doing I should not break the Peace, neither would the Law impute it to me, but to the Invader. These were my former Thoughts, but we must now learn a new Lesson. For it seems

the

the way to preserve Government, is to see it Destroyed, and to let Tyranny alone, and to suffer Invasion to go on; for otherwise though the Peace be already broken to pieces, you disturb the Peace. But if it were not lawful to advance Paradoxes, and Contradictions to Common Sense, how could Men shew their Learning, or wherein would they differ from other Men ? As for this Maxim, it is exactly calculated for the use of a Perverted Government, or of an Insolent Hedge-Constable, that beats a quiet and orderly Person for the Conservation of the Peace, and knocks him down to bid him stand.

But to come closer to the Point, Is not the Invasion of the Religion and Rights of a People, the highest Tyranny that can be conceived ? And how then came the English Divinity to be such a Pimp to Tyranny, and to be so deeply concerned for the Subsistence and Continuance of it without molestation, as to Damn all Men who would not undergo a severe Repentance for being of another Opinion ; and to urge them to Recant their English Principles upon the very Scaffold ? Though I think

think that to be a much more Proper place for retracting Destructive Errors, than Deliverance-Truths. But I can tell all the World how this came to pass, for one Day teaches and certifies another, and things are cleared up in time, which were Mysteries before. The Reason why the Clergy were so zealous for Tyranny, was because it was a Tyranny on their Side, their own Interest and Strength to crush all other Protestants lay therein, and then according to the Greek and Latin wish to Enemies, Invasion so applied was a good thing, and the worse the better. That made them so very liberal of the English Rights, and to sacrifice them all at once in a Peace-Offering to Moloch ; and it was a true Act of Worship, for it signalized their Loyalty. But when Judgment began at the House of God, as Dr. Sherlock preached upon the Bishops being sent to the Tower, then their Note was quite altered ; King James had Forfeited, and ought to be Deposited, with a great deal more to that purpose. This which I say should be deposed as well as King James, if need were. But afterwards when they grew jealous of this Revolution, and could not tell what to make of

it, having missed two Hits, both of having King James, and afterwards of having his intended Deputy the Prince of Orange in their hands, and wanted a third Hit, when the words were these: Well, will not the Convention send for the King back again? If they will not, we have Fourty Thousand Men to fetch him back. Dr. Salkeld best knows where those Fourty Thousand Men now are, but I believe King James would be very glad of half the Number.

To proceed in my Story, the very Man that had asserted that King James had Forfeited and ought to be Deposed long before he was, or even before the Prince of Orange was expected, began with change of Interest to have change of Thoughts, and then he could not allow King James to be lawfully set aside, nor would Swear to this present Government, and His forfeited Place at the Temple was supplied by I know who. At last after he had stuck as himself says a great while, for Stick he did, he was happily relieved by a lucky Coincidence of Bishop Overall's Canons, and the Victory at the Boyne. And then he settled the Government upon it's own Settlement, which we that

that pretend to dull Reason do say is a Circle, and proving a thing by it self. It is true he called Providence in Aid of this Settlement, but they have talk'd of late as meanly of Providence, as ever Mankind did of a *Swiss*, who are of all Sides, and in French and Dutch Service both at once. Or as a great Bishop wisely decided the Business; it was a great Providence of God that so many of the Clergy swore to this Government, lest the Church should be destroyed: And it was the same Providence of God that so many of the Clergy refused the Oath, lest People should think that there was no such thing as Religion, and incline to Atheism. But I am afraid the Prospect of double Bishopricks, makes Men see double.

Whenever I am like to have any undue Thoughts of the Divine Providence, I desire to die the Year before and not the Year after, for that would be a Year too late; but as for these Men they are not fit to take the Name of God's Providence in their Mouth, for as they order the matter Providence is of contrary Parties; it is with the Swearers, and it is with the Non-swearers; but I am con-

firmed by an Infallible Authority, that Providence thus divided against it self cannot stand. For to say that Providence ordains that Men shall Swear, and that they shall not Swear in the same Instance, and forecasts both Ways, is to say that it has two Wills, or which is the same thing, has one Contradictious Will. Now this is an Imperfection which may befall mistaken and ill advised Mortal Men ; they may (or they may not) deliver Folks out of Bad Hands into the self-same Hands again ; they may be of two Contrary Parties, that is of none, and so have none for Them ; they may Conquer known Enemies with unavailing bosome kindness, and they may Conquer known Friends with Unkindness at arms length ; they may eat and drink and sleep and live Contradictions, so that all they do shall be as broad as 'tis long, and come to nothing ; they may at every turn of two contrary Men conjunct make one known Compound ; they may go to Plough with an Ox and an Afs, and make baulks of very good Land : But far be it from all Mankind to impute such All to-mall and Linsey-wolsey to the Providence of God, for he

is not a Man that he should Repent, or be better advised.

I have not forgot my Preacher who said, that Judgment began at the House of God, when the Bishops were in the Tower; whereas I know that it began at the House of God when Stephen Colledge was Murdered, who Suffered more for the Protestant Religion and his Countrey, than all the Bishops either in or out of the Tower, and than the whole Clergy of England put together, and left a dying Speech which out-weighs their Sermons. And he was a true First-Martyr Stephen, for as his barefaced Murder threatned every Honest Man in England, so he was followed in his Martyrdom by better Men than are now living, whom this Nation does dearly miss. And yet when he was sent down to the Oxford Slaughterhouse to be destroyed, because it could not be done here at London, I remember several of the Clergy played with his Death, and were very much pleased that they had one Colledge more in their University.

But for quietnes-sake it shall be his own House of God the Bishops, for I grant that that word,

word, and the like Religion, and the like, are doubtful words, and signify nothing till we know of what Religion the Man himself is. These are by-matters ; but the Question is, how a Man that had a Right Notion before, came to lose it the next Year, and has not been able to recover it to this Day ? For if he had stuck to his own Occasional English Principle, (but then was then, and now is now) That King James being a Tyrant had Forfeited, and having broke with the Nation ought not to Reign, he had not stuck at all among Jacobite Principles, which however are forty times better than his own Hypothesis of Usurpation : for the Jacobites, though mistaken, pretend to Right ; but he proceeds upon avowed, bare-faced, open, impudent, outragious Wrong ; as Usurpation either is, or there is no such thing in the World. It is all that either the Giants or the Devils ever attempted against Heaven. But he had no other way to make a Case of Allegiance to King William, to chime in with his Unretracted Case of Resistance, written heretofore in Favour of Tyranny ; for though Passive Obedience had no hand in the Revolution, yet perhaps he was informed, it

it might be a grateful Present to a Settlement: however I must tell you, that Passive Obedience must be revoked and bent like a Nind-penit; and hooke contraryways; before he can make a Token of it to this Government; for actual Resistance of Tyranny gave this Government its Birth and Being; and it stands and can stand upon no other Bottom. I am assured of what I say, in a wiser way than trying Experiments, world over. Had our Author in This English Priesteraſt is the coarseſt that ever I ſaw; the Romiſh is fine, and has made a delicate Book of Father Paul's Trent-Hiſtory, but Ours will never make a Book worth the Reading. Their's is the Depths of Saſan, and Ours is his Shallows. For would any Man to bring two very pitiful Cases upon the Stage both at once, his Case of Resistance and his Case of Allegiance, the firſt being to Authorize Tyranny in Exercise, and the other to Authorize Tyranny in Title, which we commonly call *Uſurpation*; and having Declared againſt Tyranny in Exercise in the mean time, and having likewiſe ſtood out againſt Tyranny in Title for ſome Years, take this ſilly Method at laſt to reconcile all together?

First,

First, to castrate his first Book, and clear it of a very material Passage against Usurpation, that he might make way for his second Book of Usurpation-Allegiance, which for a long time he himself had withstood : and Secondly, to make such a pitiful excuse for this variance both betwixt his two Books and himself, as to say that it was the Effect of his Study, and that he grew wiser. For at this rate we shall never know when Dr. Sherlock is of Age; and all his Hearers, Readers and Admirers must suspend their belief of what he says, till they are sure, that several Years of his after-Studies will not contradict the former. But for my part I will never mind what he says, for he plainly goes back in his Studies; because though he knew that a Tyrant was to be deposed five Years ago, yet he knows nothing of it at the five Years end; and though he knew long before that time, that an Usurper might be Resisted, yet now he knows better things: So that his studying has the same Effect as a Pharisee's Proselyting, which makes Men twofold more the Children of Darkness than they were before.

For

For all Englishmen in their pure Naturals know without studying, That a Tyrant or Usurper is no King, and that a King is some Highly lawful Person placed at the Head of the Common-wealth for the Good of it, these Notions they suck in with their first English Air and Mother's Milk; and even the People that follow the Plough know that a Tyrant or Usurper is some base Out-landish thing, that cannot stand in an English Proclamation; for if instead of saying God save the King, the Cryer should say God save the Usurper, or God save the Tyrant, there is never a one of them all that would say *Amen*.

And again all Englishmen that have any tolerable knowldg of the Constitution are sensible, that the Office of the King depends wholly upon the Law both in its making and in its being, and that a King as he is Impowered by Law must act by Law; and therefore they must needs know at first sight, that a King whose Authority is Antecedent to the Law, Independent of the Law, and Superiour to the Law, as Dr. *Sherlock* says ours is, is an invented and studied King, whom the English Law

knows not ; but is of Dr. Sherlock's own making, and is a King of Clouts. I cannot but scorn the Improvements of such Studies.

Perhaps some of our Fools think that Great Men ought not to be so treated ; but let them and their Great Men know, that I am in the way of writing, and where he is the greatest Man that has the best Arguments ; and besides that Greatness does not lie in Actual Preferments, (for that is still but like Usurpation) but in having most right to them ; and in doing (for I will not mention my Sufferings by their Barbarous Hands) more for my Country, than they were able to do against it. But I will recount no more of their Merits, lest I should make them still Greater Men, which is no part of my Intention. In short, the Magicians of *Egypt* were in *Pharaoh's* Project for the perpetual Slavery of the *Israelites*, and used all their Skill for that purpose ; but *Moses's* Serpent was the Mastering Serpent and destroyed theirs, and therein, though not in Places, he was greater than all the Magicians of *Egypt* : And again he was the

the Greater in this, that what he did, tended to the Deliverance of an Injured and Oppressed People, which likewise ensued; whereas their Business was, to lock them up fast in the House of Bondage.

For the aforementioned Reasons it is impossible that any false Maxim should be a Maxim of Quality, and therefore I shall return to the last Maxim; and engage it more closely. It was this, *That the Defence of our Invaded Right would spoil the Government and Peace of Humane Society.* Now as I shewed before, the Government determines and the Peace is broken to pieces when the Rights of the Kingdom are Invaded, and therefore Defence comes too late to be guilty of that Mischief. For to do a thing done, or to undo a thing done, are equally Impossible.

But what I have now to say upon this Point shall fall under these two Heads;

First to say somewhat concerning Defence, and secondly to consider it in reference to this Revolution.

First I say, that no wise Man in the World ever desired the use of Resistance or Defence, because it is a great Calamity for any Man to be put upon it, for it implies Peril. Is the Benefit of *se Defendendo* such an envied Blessing, when a Man shall be forced to fight for his own, and tilt for his Life, in which he has an Original Property, greater than Humane Laws can bestow upon him, for though they can take it away they cannot give it him? There may be Loss, but there can be nothing got, by putting a Man's own Coat to Arbitration. Resistance is like the After-game at the *Boyne*, where a Great King was fain to go through Fire and Water to come by his own, which was as much his before as it has been his since. And therefore all Wise Men provide against Defence, and endeavour to prevent it, and would no more come to it than to a Last Remedy. As that Great Lord said in his last Speech, who was concern'd in this Dispute, that he was *Always for Parliamentary Ways*. But when Parliamentary Ways are Eluded, and Mens Rights cannot be Defended in that way, they are to be Defended

Defended as they may : For in a Case of Right, he is no Englishman that will die for fear of being kill'd. Our Rights are our own to keep but not to relinquish, we are but Tenants for Life ; and as they were Transmitted to us by our Forefathers oftentimes sealed with their Blood, so we ought to leave them, Dry at least, to our Posterity.

But you will say, if Men are so loth to Defend themselves, and to practise their Doctrine of Resistance, why have there been Martyrs and Confessors for it, and to what purpose does it serve ? Why truly it is much of the same Use, as those Peaceable and sometimes Rusty Swords, which Men wear by their Sides to prevent Injuries, and to keep them off at a distance, instead of going with their Hands tied behind them to invite them. And the only way to preserve a Nation from Tyranny is to leave them their Hands as free as the Law has left them, though they make no other use of them than a Dutchman does of his, to put in his Pockets. For when all is done, Reputation is the Best sort of Power, and Defends Men from Injuries without War
and

and Bloodshed. While Mens Hands are their own their Rights are their own, and therefore all Tyrants use this Method in Destroying a Nation, bind the Strong Man and then spoil his Goods; first they employ their Passive Priests, and then their Active Executioners. So it was in *France*, the Protestants were Dragoon'd by Passive and Slavish Principles, long before St. *Ruth* came amongst them. And so it was here, this Nation was bound hand and foot by Passive Principles, and laid upon the Wood, and we all know that the Sacrificing Knife was always ready.

Armorum quedam sunt tuitionis Pacis, &c. says *Brafton*, the People of *England* have Weapons for keeping the Peace; but our peaceful Clergy knew a better way, and beat all our Weapons into Plowshares and Pruning-hooks; and when Mr. *Hunt* and I endeavoured to restore them to their former lawful Shape and Use, they said we had been down at the Forges of the Philistins, and dealt with *Jesuites*; and Dr. *Pelling* could shew some Pages, which Mr. *Hunt* had plundered out of *Doleman*, though I do verily believe what he told me, that he had never seen the Book. - But thus they went

went on both in and out of the Pulpit to cheat us of our Sheriffs and Charters, and of the whole Strength of the Nation, and to enslave the very Minds and Consciences of Men, by bringing down every free English Thought to the Obedience of a Tyrant, and by flashing Hell Fire and Damnation in the Faces of all those, that knew they might Defend themselves against Tyranny: And so this Mighty Nation which was never Conquered before, was at last upon the point of being Conquered, I am ashamed to say it, by a very small Force, not the ten Thousandth part of the Dutch Force, even by *Phantomes* and *Thebaean Legions*.

But would not any Man who was a Lover of his Countrey venture his Life upon a Rescue in such a Case, and indeavour to Unpinion Old *England*, and assert his Countrey-men that Liberty to which they were Born? No Man that understood the Pious Fraud, though at the same time he understood his own Danger in discovering it, could endure to see Chains and Fetters thus treacherously put upon his Countrey, under pretence of Religion; as they put them upon Men in

the Inquisition, for their Souls Health. For if we are to love our Neighbour as our Self, our Countrey is so great a Neighbour, and has so many Millions of Neighbours in it, that it ought be loved so many times better than one's self. And if a Man should fall in such a Cause, and lay down his Life for so great a Good, seeing he must die sometime or another for nothing, he makes Earnings of Mortality. And though his Endeavours should want the desired Success, provided he did his true Endeavour, (for I grant that wishing well in all Cases is no more than dreaming well) it affords him greater Satisfaction than any thing in this World can : For a Humane Soul is made so very large, that nothing but the Love of God and of a Man's Country can fill it.

Thus far the very Reputation of Defending our Rights does Service to the Publick, it checks and discourages Tyranny, and is the Shore and Sea-dyke against Arbitrary Power, and says to its proud Waves, Hitherto shall ye come and no further. There is no such Rule of Justice can be given to Mankind, as to know their own ; for it makes

makes other Men know it too. But a Nation is lost when it is so Priestridden as to be preached out of all its Rights, by the falsest Interpretations of Scripture that were ever yet put upon it since it was Penn'd ; and when they become so very Passive as the Addressing part of the Town of *Northampton* was, who perjured themselves in surrendering their old Charter, and prayed that in their new Charter they might not have the Choice of their own Magistrates, because the King could chuse better for them, than they could for themselves. If I had been a Knave Minister of State at that time, I would certainly have taken these Minors at their Word ; and part of their New Charter should have been, to have Nurses sent them from above to have fed them with Spoons, and held them out, and turn'd them dry, and treated them according to the State of Infancy which they professed ; and their Estates should have paid for it at the Year's end. For the willing can have no Injury done them, it's all their own. If Men bar their own Rights, they are barr'd.

K

Well,

Well, but must the Wise and Free and Great Men of a Nation be Slaves for Company with such Perfectionists in Church-Doctrine, and lose all their Rights because the others give away theirs? I think not. Then is the time for all Honest Men to meditate the Actual Defence of their Rights, when they see a Court and Church agreed to swallow them up: For when they see Men murdered before their Faces, there is nothing got by staying to be Eat last, it is better to be eat First; I know even by what I have found, that that is the easier Death of the two.

And it was no Remote Case, when my Lord *Russell* spoke of Defending Invaded Rights, for he had survived all the Rights of the Nation long before he fell. He saw that Parliaments were Libelled in all the Parish-Churches in *England* by the Declaration for the Dissolving the *Oxford* Parliament; whereby we were plainly bid to take our Leave of Parliaments, and so we did for that Reign. He saw that the Choice of Sheriffs was ravished from the City of *London*, and

and the True Sheriffs durst not Try their Cause, but let it fall; One of them is alive to witness what I say. He saw plainly that this was intended for the Destruction of such Great Men as himself by pack'd Juries. For the Papists and their wretched Adherents neither feared nor cared for Juries as to themselves, being under the Protection of *Noli Prosequi's* and *Affidavit-men*, but they thirsted for Blood. This the State-Interpreter of those Times Sir Roger *Lestrange* told us openly in his *Observators* was the meaning of that Point of gaining the Sheriffs. I know he will thank me for not quoting his words, for they are Bloody ones. That Great Man saw likewise a parcel of Traitorous Lords, who under pretence of being Prisoners had taken the *Tower*, and had raised so many Batteries against the City, that the Lord *Arundel* of *Warder* wanted but one Battery more. I remember my Lord *Russel* was mightily pleased with the Courage of the Citizens at that time, and particularly of Alderman *Cornish*, who slighted these Preparations against them by saying, they might indeed do some Damage to some of their Chimneys. I need

not mention the Intended Cittadel of *Chelsey-College* to straiten the City on that Side, nor their greatest Cittadel of *Westminster-Hall*, where they had perverted all Law, and plainly put a stop to it by dismiffing a Grand Jury before their time. At the Notorious Case of *Fitz Harris* my Lord was present, for which Serjeant *Pemberton* can give the best Reasons, because he reserved them at that time, and no doubt they are improved by this; and brought up a Fashion, which we do not find in the Year-Books, for Judges to give no Reasons for their Judgments.

As to the Case of the City Charter it was so very plain, that I desired Sir *George Treby* now Lord Chief Justice who was to argue for it, to use only this short Argument, to carry *Magna Charta* in one Hand and a Penknife in the other, and to desire the Court to cut out the Chapter of *Magna Charta*, where the Rights of the City of *London* and the other Vills and Burghs and Cinque-Ports are confirmed; and when their hand was in to make but one Busines of it, and to cut out all the rest. I am sure the City of *London* will give me leave to say, that they and their Chamber which was

was the best Fund in *England* was at that time broke, and when it will be repairet I know not, but they may easily know whom to sue for Dilapidations, and in what High Court that ought to be done. And the ready way is to Extend the Estates of all those that treacherously destroyed that City, and made it the finest Village in *Europe*, and saluted the King, *King of London*; as if he had not been compleat King of it till it was Ruin'd.

I need not mention their Standing Guards in time of Peace, of which the Parliament-men used to say, *There go our Masters*, (and so they had reason after Sir John Coventry's usage); and which all the great Lawyers of *England* declared to be Illegal from the first, and such a Force upon the Nation as the Law abhors. The Lord Chief Justice *Vaughan* had the Honesty and Courage to tell my late Lord *Macclesfield* so, though he then Commanded and was at the Head of them. My Lord very honourably remembered this as an Instance of that Great Man's Integrity. And who that ever had the Honour of knowing the

the last Great Man, can ever forget His ? But the Guards became more Formidable afterwards, when an Undertaker offered with a Thousand of their Horse, of which they had always more, to go and conquer the City of *London* in a contemptuous manner ; and when with their Detachments, and filling up again with new Men, they could at any time Form an Army. They had likewise their Nursery of *Tangier* within call, and when they saw their time it came over.

Ever since the last Sentence that passed upon me, I am somewhat out of conceit with the Name of *Guards*. For having made as Honest an Address to the *Army* as the World can shew any thing, and being run down for it as a High Misdemeanour, I took my Exceptions to the Information, amongst other things that there was no averment of any *Army* in it ; and I said there could be no such thing, because it was Contrary to the Law of *England*. Whereupon both the Attorney General *Sawyer* and the Court of *King's-Bench* said, that the Camp at *Hounslow-Heath* was not an Army, but only the King's Guards. I replied,

replied, that I thought they were *too far off for Guards, and too great a Number.* To which the Lord Chief Justice *Herbert* answered, that the King wanted a *Greater Number* to Defend him from my Papers. At which I could only smile, to see a *Rag* or two of the *Press* made a *Pretence* to keep up a *Great Army.* But as I intimated before, *Guards* shall be an *Army* and an *Army* shall be *Guards*, when such Men think fit.

Aristotle in his *Politicks* is very severe upon *Guards*, and says, That it is the *Mark* of a King's turning *Tyrant*, if he require a *Guard*; and says further, that if a King demand a *Guard* to defend him against his *People*, his *People* ought to demand a *Guard* to defend them against him. And it is very plain, that the *Additional Guards of Horse and Foot* in the two last *Reigns*, (for there were never any before, but the *Band of Pensioners* and the *Band of Archers* now *Yeomen*, who were the *Antient Establishment* for the *Preservation* of the King's Person,) were not intended for the King's *Preservation*, for that was done to their hand; but to awe the *Nation*, to animate *Judges* in *false Judgments*, and

to.

to back Officers in illegal Proceedings : for where the Law would not hold out in the way of a Legal Writ, it was as well supplied by an Arbitrary Command, and two or three Files of Musketeers.

I will name but one thing more, which was Occasioned by the Bill of Exclusion. That Bill was carried *Nemine Contradicente* several times in the House of Commons ; but when it came in the *Westminster* Parliament to be carried up by my Lord *Russell* to the House of Lords, it was so ill received there, that the Bishops were for throwing it out to rights ; However after a Reading and after a Debate which lasted till about Midnight it was thrown out. That Learned Nobleman the Great Earl of *Essex* was pleased to tell me what Arguments he insisted upon in that Debate. The first was that the Regality of *England* was an Office, concerning which the 17th Chapter of King *Edward* the Confessor's Laws is wholly spent, and it is so Declared to be in Many Acts of Parliament as low as Queen *Mary*'s Time, and that a Woman as well as a Man might be invested with the Regal Office.

Here-

Hereupon he said, that a Person Unqualified, as all the World knew the Duke of York was, could not be admitted to that Office. Upon discourse about this I remember his Lordship was pleased to take down Lambert's Saxon Laws, and shew me several Particulars in that 17th Chapter which I had forgot. His second Argument was to prove, that if the Duke of York had Unqualified himself for that High Office, as he plainly had for the meanest Office in *England*, then the Parliament had undoubtedly Power to foreclose him and set aside his Remainder in the Crown, because they had Power to do more. This he said was the known Law of *England*, and agreed upon by the Lord Chancellor *More* and *Richard Rich* then Sollicitor General and afterwards Lord Rich, as a first established Principle; upon which they argued about the Supremacy. It stands thus in the Record, as we have it p. 423. of the Lord *Herbert's* History. "The Sollicitor Demanded, if it were enacted by Parliament that *Richard Rich* should be King, and that it should be Treason for any Man to deny it, What Offence it were to contravene this Act?

L

" Sir

" Sir Thomas More answered, that he should
 " offend if he said No, because he was
 " Bound by the A^tt ; but that this was Ca-
 " fuis levis : Whereupon, Sir Thomas More
 " said he would propose a higher Case,
 " suppose by Parliament it were enacted
 " quod Deus non sit Deus, and that it were
 " Treason to contravene, whether it were an
 " Offence to say according to the said A^tt,
 " Richard Rich replied yea ; but said withal,
 " I will propose a middle Case, because yours
 " is too high. The King you know is con-
 " stitute Supream Head of the Church on
 " Earth, why should not you Master More
 " accept him so, as you would me if I were
 " made King by the Supposition aforesaid.
 " Sir Thomas More Answer'd, the Case was not
 " the same, because said he, a Parliament can
 " make a King and Depose him, and that
 " every Parliament-man may give his Con-
 " sent thereunto, but that a Subject cannot
 " be bound so in the Case of Supremacy,
 " Quia Consensum ab eo ad Parliamentum
 " præbere non potest, Et quanquam Rex sic
 " acceptus sit in Anglia, plurime tamen par-
 " tes exteræ idem non affirmant. Because the

Parlia-

Parliament-man cannot carry the Subject's Consent to Parliament in this Case, (that is to say, no body but Christ could make his own Vicar, and the Head in Heaven make the Head on Earth;) and although the King be held to be Head of the Church here in *England*, yet the greatest part of the World abroad are of another mind.

Here Sir *Thomas More* stuck, for I believe *stick He did*, because he laid down his Life for it; but you see that the undoubted unquestioned Law of the Land was this, *That a Parliament can make and Depose a King*, for it is the Foundation of their Arguing: And it cannot be thought that a Learned Lord Chancellor and Sollicitor General should be both Ignorant in the First Principles of the Law. Neither would *Richard Rich* have been made a Lord and the Head of a Noble Family of Earls, if it had not been Current Law in those Days: for such a Principle upon Record would have been as bad, and hurt his Preferment as much as if he had been *Stigmatized*. And therefore my Lord of *Essex*'s Argument was more than Measure; That if a Parliament could make and Depose a King, and

make *Richard Rich* King, much more they might foreclose the Duke of *York* who was *no King*, and more unqualified than *Richard Rich*; and might make the Prince of *Orange* King, an otherghess Man than *Richard Rich*. Thus that Great Man Argued, but Care was taken that he should Argue for the Good of his Countrey no more; and therefore we that are left behind, partly to bewail the loss of such Great Men, and partly to imitate them; ought to uphold their Cause; and as mean a Man as I, am able to maintain these plain Truths against all the World.

Though indeed my Lord of *Essex* told me that his Adversaries in that Debate waved the Jargon of Divine Right and the Line of Succession, (which had been inculcated in the Second Volume of the *History of the Reformation*, and by the Heroe himself to whom it was Dedicated,) and at that time they betook themselves chiefly to Reasons of State. They were got at the old Scarecrow *Venient Romani*, the Foreign Catholick Princes would espouse the Duke of *York's Quarrel*; the Ancient Kingdom of *Scotland* would admit him for Their King in opposition to our *Act of Parliament*, and this

this would entail a Dangerous War upon the Nation: (That is I suppose the Navy Royal of Scotland would have given Law to the English Fleet). They were likewise doubtful of Ireland, and if these two Kingdoms were dismembred from us, the solitary Kingdom of England would not make that Figure in the World as it used to do. And therefore according to the Method of all hired Politicks, they must make sure of sinking Three Kingdoms for fear of losing Two, and Deliver up the Castle for fear the Suburbs should Revolt. With such fitting Arguments was that Cause supported; and if I have broke any Rules in repeating that Great Man's private Discourse, now it is done I cannot help it; But I say let his Integrity be known, and speak as Loud as his Blood cries: And I am sure they that would stifle that Man's Honour, would stifle his Death.

But the Bill of Exclusion is of no Concernment at this Time, though if we had then ventured our Lives for it we had done well, and it had been good Husbandry; for it had saved more than an Hundred Thousand Lives since,

since which are all of a price, and as dear to them as owned them, as ours are to us. I grant a True Statesman is of another Opinion, and values being called his Grace or Noble Marques more than a Million of Lives, provided that in such a general Destruction he can but save one. And to confirm themselves in their ill-gotten Honours they generally hatch Plots, suborn Rebellions, or any thing that they think may create Business, keep themselves from being Questioned, and thin Mankind, whereby they lose so many of their Enemies, which by their Oppression they have heaped up to themselves. So I have been told a certain Person being asked why he Destroyed my Lord *Russell*, said it was Self-preservation, he did it in his own Defence, because my Lord *Russell* would have Destroyed him. A fit Answer for the Answerer, because it is just the Excuse of a Highway-man who adds Murder to his Robbery and Wrong, because otherwise the True-man might have pursued him and Hanged him for it. But the Masterpiece of their Policy they have stoln from the Old Popes of *Rome*, to send their Princes into the Holy Wars,

Wars, while they domineer'd and plaid their own Game at home. I express'd my Fears as soon as he was Crown'd that our King would be so serv'd, and that taking advantage of his Matchless Courage they would put him upon hazardous Expeditions: for such Counsels are on Nature's Side, and are soon hearkned to by a *Cordelyon*, or an *Edward* the First, who were all on fire for Cruadoes. And it was easy to tell what Advices the Statesmen would give, such to be sure as agreed with His Inclinations, but were much more for their own Interest: for if a Man but look into the Tyring-room and see the old Actors, he knows what the Play will be, without a Bill.

It is the Observation of the Learned Antiquary *Selden*, that our Nation got nothing by those fruitless Voyages into the *Holy Land*, after a vast Expence of Blood and Treasure, but only the Sign of the *Saracen's Head*. For after our People came home again worsted, and with great loss, they had no other way to save their Credit, but to represent the *Saracens* as Giants, and to picture them with Eyes

Eyes like Saucers, and a Mouth big enough to eat a Man. And it is well if the English bring home any more out of Flanders, than some such ill-favoured Story, of what a strong way of Encamping the French have. But what Business had we there? The Sea is our Element; where our Shipping was lately more Numerous than any Nations in the World, and better built being of English Oak, and our Seamen Heart of Oak. Such a Strength well managed and well applied is fit to give Laws to all the World. And till now from King Edgar's Time, who had a Fleet of three Thousand Ships to justify his Claim, we have always pretended to be Masters of the Sea; and should have scorn'd Dutch Help to fight the French Fleet, and to go to War upon Crutches: for how can Impotent Men stir, if their Crutches at any time be out of the way, and be not ready? Or how if the Dutch and we should ever fall out, or the French and they be Friends, where are we then? And therefore we are No Nation till we can stand upon our own Legs, but we live precariously, and had need to have very kind-hearted Neighbours about us.

To

To know where our Strength lies is a first Principle of Nature ; and the dullest Creatures are not without it. I never saw an Ass offer to butt with his Ears, though they are as long as Horns ; but I have seen him strike with his sullen Hoof, because the Instinct of Nature led him to use that part which would do most Execution. And therefore it could not be out of Ignorance, but for sinister Ends, that our Naval Force has been so Neglected, which is our known Strength ; and that the Treasure of the Nation has been diverted into Foreign Channels. For many Millions spent upon the Fleet would not be two Pence loss to the Nation, but is as cheap as a Man's playing at Cards with his Wife and Children, where none of the Winnings go out of the House.

It is true that heretofore this Nation alone has been an Overmatch for all *France* by Land as well as by Sea, and our Kings have cleared up their Title to that Kingdom in the Heart of it ; but those Days are done : for we were then a Land of Souldiers, and there was not a Man in the Kingdom who was not expert

M and

and knew how to handle his Arms from Sixteen. But the Artillery of the World being changed since that Time, we shall never be a warlike Nation more, till all our excellent Laws about Bows and Arrows which are wholly disused, shall be applied to the use of Fire-Arms. For though such a raw thing as our present Militia (which will then be another thing) does well enough to keep House; yet it must be a well-trained, if not a Veteran Army, that shall do any great Matters abroad.

What then? shall we have a Mercenary Army to supply this Defect, and lose Old *England* to win *France*? I hope not, but so it would be; for a standing Army plainly destroys this Government. There are no Quarters, nor is there room in *England* for an Army. If they be Quartered in Houses, it is a forcible Entry, and Disseysein of a Man's Freehold: if they Encamp at *Hounslow-heath*, it is a Rout Riot and Unlawful Assembly. A fourth part of the Petition of Right, which only asserts our Fundamental Rights, is spent against Billeting of Soldiers. There was indeed a Confederacy in the late Tyranny betwixt the Court and the

the Justices of Peace to put this Difficulty upon Publick Houses, either to receive Souldiers or to lose their Licences ; though Licences ought not to be taken away except for a Forfeiture, which refusing of Souldiers is not, but a Right : But such Frauds and Abusions of the Law never wrought any thing else but Abdication.

Knute, than whom there never lookt any thing liker a Conqueror, and put an end to Disputed Titles in the *Severn*, at the desire of the *English Barons* sent his Army back to *Denmark* ; for which see *Bracton's Englishcheria*, the finest Point of Law in our English Constitution, almost in the same words and exactly to the same sense as King *William the First's Laws*,

Bracton, Lib. 3. De Corona, Cap. 15. Fol. 134. b.
Secl. 3. Causa vero Inventionis murdrorum talis
fuit, quod in diebus Canuti regis Danorum, qui
post Angliam acquisitam & pacificatam, roga-
tu baronum Anglorum, remisit ad Daciam
exercitum suum, & ipsi barones Angliae erga
ipsum regem Canutum fidejussores extiterunt,
q. quotquot rex in Anglia secum retineret,
firmam pacem per omnia haberent, ita q. si

quis Anglorum aliquem hominum quos rex secum adduxit interficeret, si se super hoc defendere non posset Juditio Dei. s. aqua vel ferro, fieret de eo Justitia, si autem aufugeret & capi non posset, soluerentur pro eo. 66. marçæ, & colligebantur in villa, ubi quis esset interfectus, & ideo, quia interfectorem non habuerunt; & si in tali villa pro paupertate colligi non possent, colligerentur in hundredo, in thesauro regis deponenda. *Sect. 4.* Et dicitur murdrum extraneorum occisio & notorum: quia sive notus sit vel extraneus, ille qui interfectus est, semper reputabitur **Francigena**, nisi **Englescheria** rite fuerit coram justitiariis praesentata, per hoc quod sci-ri possit quod **Anglicus** extiterit. Et qualiter **Englescheria** praesentari debeat, infra plenius dicetur suo loco.

Knyghton, pag. 235 8. Lin. 40. Williel. 1. Leges.

Item, Murdra quidem inventa fuerunt in Diebus Cnuti regis Dani, qui post Adquisitam Angliam pacificam **rogatu baronum** Anglorum remisit ad Daciam exercitum suum. Ipsi vero barones erga regem suum existerent fidejussores, quatinus quotquot in terra secum retinerent firmam pacem haberent per omnia;

omnia; verum tamen si quis Anglorum aliquem
illorum interficerit, si se super hoc defendere non
posset, in Deo scilicet, aqua vel ferro, fieret de
eo Justitia: sin autem fugeret, solveretur ut
supradictum est.

I do not love Digressions because they inter-
rupt all discourse, but I could not well avoid
this, because the mentioning the Bill of Ex-
clusion led me into it; though my Busines was
not so much the Bill of Exclusion, as what be-
fel upon the Rejection of that Bill, being ano-
ther Instance of the Oppressions and Invasions
of those Times. I appeal to every Noble
Lord now living who has sworn to this Go-
vernment, whether an Exclusion then had not
been better than an Exclusion now? and whether
they had not better have done that to
an Heir Presumptive, which they have been
since forced to do to an Actual King? For they
were even then known to be both the self-same
Man. After the Bill was Rejected with as
large a Scrowl of Protestors as perhaps was
ever seen in the Lords Journal, it came to
Equivalents and Expedients for the Security of
the Nation. And amongst many other things
which

which were Ordered by the House of Lords to annul the Power of a Popish Successor, and to make him the Sign of a King, and not to leave him the real Authority of a Thirdborough, (though those things were no more like to have been enacted than the Bill) there was this, That an Association should be drawn up, as was done in the Reigns of *Edward the Third* and *Queen Elizabeth*. A Noble Peer who was very much out at Court, not for the Court Drudgery he had done, but because he would do no more, though of course he was very ungratefully loaded by themselves for what he had done, was some time afterwards accused by the suborned Perjured Irish Court-Witnesses of an *Oxford Plot*. The Evidence to the Grand Jury, of which that true Lover of his Countrey Sir *Samuel Barnardiston* was Foreman, was in a new way given in Court, and afterwards was printed. I refer the Reader to the perusal of their own Printed Paper alone, to see the open Perjury in that Case, and some bold Stroaks of *Pemberton-Law*, and what a Train was laid for the Lives of the Honest Lords and Commons of *England*. Every body in *England* knows that there was no more of

an

an *Oxford Plot*, than there is on the back of my Hand ; but that on the other side a great number of Lords in an Address Signed by them and Presented by the Earl of *Essex*, besought the King they might not meet at *Oxford*, as doubting of their sitting in Safety, having been threatned by several blabbing Life-Guard-Men what they would do when they had them there.

In short, there never was more foul Play from the beginning of the World, than was in the Prosecution of my Lord *Shaftsbury* for an *Oxford Plot*, and in the practice of Subordination upon Captain *Wilkinson*, to put a Force upon him to Swear against that Lord, and in the Consequence of it against a vast number of the Best Men in *England*. For the Captain was brought to a Dilemma, and was placed just in the midst betwixt Ch. *Finche*'s Two sorts of Advancement, which with as much Wit as Honesty he put the Captain in mind of at that time. For he was either to accept of a Great Sum of Money, or the Duke of *York*'s 500*l.* a Year Land to Swear against my Lord *Shaftsbury*, or else to be hanged himself before my Lord *Shaftsbury* ; with which Ch.

Finch

Fmch threatned him. But the brave old Soul-dier was proof against both, for he abhorred the Wages of Unrighteousness and the Price of Blood ; neither did he fear a Halter, which I believe loses its roughness and feels soft to the last to an Honest Man.

Perhaps the Captain did not expect to be so slighted for his Honesty under a Revolution, nor to see his Dear sworn Friend and the Lieutenant of his *Oxford* Troop Advanced over his Head ; But he may thank himself for it, for not Reprinting his Narrative, which consisted of so clear Matter of Fact, that though the Suborners gnashed their Teeth at it, yet they durst not even then touch it. For our People in *England* are very forgetful ; a new Coronation, two or three Lord Mayors Shews, and the new Project of a Million Fund to make provision for younger Children, will put all old things out of their Heads. And besides we have Scotch Doctors to teach us the Art of Forgetfulness. *Pray you have Gude Memories, Gude Memories ; do not Remember Bad things*, meaning the Murders and Oppressions of the last Reigns, *lut keep your Memories for Gude Things, have Gude Memories*. So that we forfeit the Good-

Goodness of our Memories and have Evil ones; if we remember our Headless Great Men; the Best Blood in *England* spilt like Water upon the Ground; Men Murdered in cold Blood, and hung up in sport by eleven or twelve at a time, according as the Clock struck; Men Hanged and then brought to Life again, to extort from them a Confession of Passive Obedience, but it was then too late for Falshood and Flattery; And lastly, (for I do not mention the Widows, Fatherless, or starved Families of any of these Men) several Hundreds now lying unregarded in Exile, and sold into Slavery, only for endeavouring to Redeem their lost Countrey from Slavery; who did an Hundred times more towards this Revolution than some that have been made Dukes and Earls, for nothing that I know of but coming to see *England*.

But I marvel where these Men learn'd their good Memory, not out of Scripture I am sure, for there it is made the Mark of a Wicked Memory, *not to remember Joseph but forget him*; that is, a Sufferer who was the Means of their own Deliverance; and when they lie at Ease themselves, *not to be grieved for the Affliction of*

N

Joseph,

Joseph, which I think is not possible, when Men have studiously forgot it, and discharged their Memory of it. Nor have they learn'd this sort of Memory out of any good Book of Politicks, because such a Good Memory extinguishes our Happy Deliverance. For what were we Delivered from but the Tyranny and Oppressions of the former Reigns, which if they are to be forgotten as if they had not been, then we are Delivered from nothing, that is to say we have no Deliverance. Look see, read the Prince of *Orange*'s two Declarations, Did not he come to help the Nation to see Justice done for these things, so that if we must forget these things, then we must forget how he came to Town, and what Busines he had here. And this very thing of stifling and palliating the Violences and Injustice of the late Times has given encouragement to King *James* to look Homewards, and to meditate a Return; and has given occasion to the Princes Abroad to look upon him as an Injured Prince: for if he had not done great Wrong to this Nation first, we have done a great deal to him since; and yet there is not one Instrument of his Tyranny that has Answered for it,

it, but have been all Protected if not very highly Promoted, and by the very means of a Gude Memory. But after all it is impossible for a vast Number of People in *England* ever to attain to this Gude Memory, because they have continually evil Remembrancers to the Contrary ; some their broken Fortunes and Estates and want of Bread, some the loss of their near Relations whom they dearly miss, some the thoughts of their Great Father's Heads sticking upon Poles ; and as for me, while a certain Traveller was making his Court to the Cardinals at *Rome*, I got such an Almanack in my Bones, that I am sure I shall never learn this Scotch Trick of a Gude Memory ; I will sooner be hang'd and forget all.

I wonder therefore that Dr. *Burnet* should send to me in the time of the First Parliament in this Reign, when my Illegal and Barbarous Usage lay before them, *Not to name Persons*. I know the Language of that Day was, Do not smut, that is, let the Oppressors of your Country and of you go off Clear, and scape Scotfree. I gave an English Reply to that Message, Let him mind His Business, I will mind mine. His Bookseller Mr. *Chiswell* by

whom I had the Message, seemed loath to carry him that blunt Answer ; Oh says I, he has got the Title of a Lord lately, I must Qualify my Answer ; *Let him please to mind his own Business, I will mind mine.* But the Bishop was mistaken in his Man all over, for it was always in my Nature even to a Fault to spare every body. Sr. Roger Lestrange knows it, and many a Man besides, notwithstanding very great Provocations. And I have been so far from rigour all my Life, that I never sued any Man, though I have lost several Scores of Pounds by it, which I have since known the want of. And therefore the Bishop was out in thinking that I wanted such a Message, and as much out in thinking that I would mind it. What did he take me to be, one of his Cubs, whom he could lick into his own Shape and Fashion by a Message ? I am a Slave to Truth and Right, and therefore any bodies Message supported with Wise and Honest Reasons would have moved me ; but I knew at the first sight that neither one nor t'other belonged to that Message.

Now the Bishop may see how little I regard his Message, for I will name Persons when I have

have just Occasion, though it chance to be his Lordship. But at that time I confess I was so wrap'd up with the hopes of a Happy Reign to come, and that the evil Instruments about the King would at least at the Instance of the Parliament be dismissed, that I was got into Mephibosheth's Elevation, let Ziba take all the Land to himself, I care neither for the purloyned half, nor the remaining half ; Let Shimei live and mend ; they are not worth their Halters, why then should the Nation be at that Expence ? Let them go to the end of the World, why should we stop them ? And so they had gone, if Great Men from Court had not sent to them to pray them stay. In short, I was so intent upon the Publick Welfare, and ever inclined to give that the precedence, that I could not snatch and catch at the Advantages of a Revolution, as others did to whom they were not due ; but when my Friends urged me to mind my own Busines, my constant Answer was, that it would keep cold ; I have reason to remember it, because an honest Yonker in my own House has since upbraided me, that my Busines has catch'd cold.

I have taken this freedom with the Bishop of *Salisbury*, because he has taken a greater latitude with Me, and has given me out for a Madman above these four Years. But I speak the words of Truth and Soberness which are always well-weighed, That I will sooner prove him a Betrayer of *England*, and a Publick Enemy, than he shall prove me a Madman. It is an ugly Imputation if it be but laid upon a Dog, because of the ill Consequence of it; for it amounts to the knocking out his Brains; but it is still worse to place it upon a Man, because it makes a Fool of all his wisest Discourse, which is the end of a Man's living here: for if they dislike any thing he says, they have Authority to call it Raving; and if they chance to like it, it shall only have the allowance of lucid Intervals. Besides it effectually ruins all a Man's Preferment, because it Unqualifies him, whereby his Posterity suffers for it to the end of the World; so that the Madman fares worse in that Case than the Mad Dog, because that Imputation never affects his Breed.

But I am not the only Person who has been so serv'd, the Courtiers of this Reign serve every

every body so, if they do not like them. I appeal to the House of Commons, whether Sir Peter Coryton a worthy Member of that Honourable House, and since intrusted by them as one of their Commissioners to supervise all the Publick Accounts of the Nation, which is a Charge that requires some Brains as well as all Honesty, ought to suffer under such an Imputation, and whether it be not at least Breach of Privilege? And yet he lost a Considerable Government in the *West-Indies* by being so represented to his Majesty, after the King had promised it him; with which Suggestion the King was so far imposed upon, and so fully possessed with it, that he pitied the poor Gentleman: And so *Kendal* had the Government, a Man no doubt more for these Courtiers turn, and not blemished with that sort of Insufficiency.

I have not Evidence for what I am now going to say, but I am morally assured of it, that the Great *Wallop* was thus hindred from being made a Judg; of whom I will say the less, because his own Integrity in the worst of Times has Eterniz'd him: And if he be not Honour'd for it in these Times, then they are the worst.

To

To pass by a Hundred more of his Sayings, his comparing King James's Declaration upon the very Spot to the Scaffolding of *Paul's* Church, was so wise, so weighty, so seasonable and so useful a Saying, that that New *Paul's* when it is built shall want new Scaffolding again, before that Saying is forgot by the wise and honest part of this Nation. One Mr. *Stephens* another brave Man has been put into the List, though I am certain Sir *Matthew Hale* was of another Opinion when he made him his Executor; but one would sooner take him to be a Witch than a Madman, when he talkt of the Cart being Bewitch'd. I will not mention all the People of Quality that have been so used; They themselves may look after their own dry Godfathers, who have given them that Name out of Baptism; I know mine and I will stick to him, and though I have burnt all my Reading, yet he shall know when ever he pleases to put me to it, that I have an odd Remnant of honest Intellectuals still left at his Service.

It is the cunningest Accusation in the World, because it oftentimes proves it self, for to treat a Man like a Madman is enough to make him so; But I would advise them not to multiply their

their Madmen too fast, for the sake of a Story that I know. There was a Fellow of *Magdalene*-College in *Oxford*, who had the misfortune to be really crazed, and either was, or at least thought himself to be ill used by the other Fellows ; and when another of the Fellows fell Mad, he was wonderfully pleased with it ; and being ask'd the reason of his Joy, Oh says he, we shall be a Majority in time, and then we will use the other Fellows as they used me.

I think I shall never finish my intended Story for these Impertinencies which continually cross my way ; but in short, after the Grand Jury had dismissed the Bill of Indictment against my Lord *Shaftesbury* for the *Oxford Plot*, the Court had not done with him so, but invented a New thing, and made the Earth open its Mouth upon him, I mean their dirty Abhorers. I know that Great Men have fall'n under Ostracisms in *Greece*, and even *Cartes* himself was used like a *Skellum* in *Holland* ; but those were Legal Banishments and according to the Custom of the Country, whereas that Earl's Usage was never known to any

Civilized part of the World. For having his Papers plundered to find Matter against him, (which my Lord *Anglesey*, though he was one of the Committee of Council appointed to overlook those Papers, acknowledged to Mr. *Charleton* and me, was a very illegal Practice and abominable foul Play, even while he himself was employed about it); amongst his Papers they found a naked Draught of an Association, which as I said before was a thing so much above board, that it was Ordered by the House of Lords themselves. This Paper, which signified nothing when it was accumulated with their Irish Evidence at the *Old Baily*, was not to be lost; but was afterwards set up by it self for a Countrey *Quintin*, to be thrown at by all the Loyal Sparks of the Nation, where they were to get Garlands for knocking it down. For those were the Men whom the King delighted to Honour, and it was an assured Knighthood to the Foreman of an Abhorrence, if not to several of his Fellows. And if the Knights of *England* were to be surveyed, I believe the Knights of the Address and of the Abhorrence of Associations would be found to be the largest Order; but I dare say

say would have been the thinnest, if they were to have been Created Bannerets. But the rotten part of the Law belonging to the Middle-Temple who were in haste for Preferment, the *Saunderses* and the *Shoreses*, and I care not who, were forward to pleasure the Court in this Matter, and began the Yelp from an Inns of Court, which was thought Authentick in the Countrey, and so all the Curs in *England* from the Foreland of *Kent* to *St. Michael's Mount*, set up a full-mouth'd Cry against that Earl. I refer my self to the Infamous *Gazetts* of the Year 82. Which were remarkable upon this account, that they were often a whole Sheet, being swoln with Abhorrences. Now I desire any Noble Earl in *England* to lay his Hand upon his Heart, and consider whether he would be content to be so serv'd, and to be baited twice a Week with Abhorters, in Sir *Lionel Jenkins's* Bear-Garden, for the best part of a Twelvemonth together, and at last be forced with downright worrying to steal out of *England* and go and die in a Ditch ?

After this no Man could call his Countrey his own, for the Character of my Lord *Shaftsbury* which they had endeavoured to render

hateful, with the same ease might have been stuck upon another: for the Kingdom of *Poland* being Elective, it lay in the Breast of the Court to choose whom they pleased King of *Poland*. If when my Lord *Shaftsbury* was forced to leave his own House, and had secreted himself at Mr. *Watson's*, he talk'd with *Howard* of *Escreck* about relieving himself and his Countrey: he did amiss and it was a defect; for talk is but talk when all's done.

Now my Lord *Russel* was an Eye-witnes to this long Scene of Invasion of Rights, and his Foresight was much earlier, witnes a Letter of his of an old Date, which I shed Tears upon at *Woburn* at some distance of time after his Death; but I find that no length of time will dry them up. I have spoiled the entireness of that Scene of Tyranny which my Lord lived to see, by frequent Digressions; but it signifies nothing, because the Bishops that mooted the Case with his Lordship, supposed the Religion and Rights of the Nation to be Actually Invaded; which Case his Lordship wisely shortened, by saying that our

our Religion being established by Law was a Civil Right, and so the Question reduced is in short, Whether the Rights of the Nation being Actually Invaded, may be Defended ?

And here I join Issue with those two Bishops, and so I would with a Bench of them upon these two Points which I will maintain.

First, That the Rights of the Nation being Invaded, may be Defended.

Secondly, That no body has a Right to Defend them, but they whose Rights they are.

First, That the Rights of the Nation being Invaded, may be Defended ; for otherwise they are No Rights ; They may be the Effects of special Grace and Favour, Bounties, Courtesies, Court-Smiles, Places at *Whithall* during Pleasure, the Breath of the Court which may be suckt in again, ill-advised Gifts which may be recalled by Acts of Resumption, or any thing but Rights. If I cannot defend that which

which is mine from him that would take it away, then it was not mine from the first. As Mr. Selden used to say, he that had but Two pence was King of Two pence, and might defend his own against a King of Ten-pence. What signifies the King's having more Rights than I, if they be all upon the same Bottom? for if he Invades my Two-pence, at the same time he destroys his own Ten-pence, because he breaks down that Hedge of the Law which secures all Mens Rights, and then I am sure all lies in Common. Words do but darken so clear a Point; for if any thing be mine, it is mine to *Have* and to *Hold*.

Secondly, That no body has a Right to defend these Rights but they whose Rights they are. This necessarily follows from the Former, for Rights must be a Man's to *Have* before they can be his to *Hold*. Besides, what has any body else to do with other Mens Rights? It must needs be that the Rights of a Nation are to be Defended, for Kings and Queens and all the Retinue of Government were ordained by the Nation for that very

End ; and if they turn upon us and Invade our Rights, as Chancellor Fortescue says, *We are Defrauded and over-reached in our first Intention* ; for then our King shall Injure us, which before we had Kings it was Lawful for No Man to do. That's a hard Case ; for a King of England had always Revenue enough to keep him Honest, and had no need to take indirect ways to Enslave his People ; that is to say, to put an end to a Government, which it was so much worth his while to keep. And there can no Tolerable Account be given of the Attempts made in the three last Reigns upon our Liberties, but only Bigotry ; They had a mind to Convert their Kingdoms, and knowing that most Mens Souls follow their Bodies, they took it for Granted that if they established an absolute Empire over the one, they should have a full Command of the other. And so after a world of Arbitrary Proceedings, the Common-Prayer-Book was sent down into Scotland, where the King had no more Right to send it than into the Mo-gull's Countrey ; but it was under a Pretence of Uniformity, when there was nothing less meant, for it varied from ours, and was

was nearer the Original Mass-book out of which it was taken. No, the Design was to enter them of *the King's Religion*, and then they might have had a New Edition of their Common-Prayer-Book the next Year; and then the Reason of Uniformity holding alike in both Kingdoms, ours ought to be like theirs. But the old Herb-woman at *Edinburgh* put an end to that Game, for hearing the Arch-Bishop who watch'd the Rubrick, directing him that read the Book to read the Collect for the Day, she made a Gross mistake and cried, *The Diewl Collick in the Wemb of thee*, and withal threw her Cricket-stool at his Head, which gave a Beginning to the War of *Scotland*: for when the Statesmen have reduced a Kingdom to Tinder, the least Spark will kindle it. The Best Friends that King had, and who spilt their Blood for him, cannot deny but he had set his Heart upon a *Laudean Religion* and an English Patriarchate, which we all know would have ended in Latin, and have been still *Ecclesia Anglicana* as it was in all Ages. I must needs be very Impartial in relating these things, for I was a great Neutral in those Days. I cannot say I was so in

the following Times, for I saw the Church-game played here, and heard of the Counter-part which was at the *Pyrenean Treaty* and in the Polish Memorial ; and I have viewed the very Mass-house where the Last opened Shop, and wanted Customers.

Now we ought to be somewhat the wiser for our Dear bought Experience, and never to suffer a Prince Popishly inclined to be admitted to the Government more ; for they have a standing Pretence of Religion and Conscience to Enslave the Nation, and to do it for our own Good, to save our Souls ; and so all our Temporals shall go to wreck *in ordine ad Spirituallia* : whereas whenever a Prince is known to be of our own Religion, or of a Travelling Religion which will comply with our's, then he has no Church-Pretence of spoiling the Government, he cannot be Arbitrary if he would, because he has no Excuse left ; he must Tyrannize for Tyranny's sake, and that being open will never go far nor last long. Nor will any wise Protestant Prince venture upon such a Hazardous thing, for if he should miscarry in it, he will not have so much as a Bull from *Rome* to Bless himself withall. And if any.

future Prince should arise, who should think that to be Prerogative which those former Kings practised, and thereupon form a Resolution that the Crown of *England* shall not be the worse for his wearing, I shall humbly offer him my Advice before-hand, not to think of Their Crown; for it was no wearing Crown, it was so stuff with Prerogative that it was top-heavy, and it visibly hurt two of the Heads that wore it; I know not nor I care not who eased the Midd'lemost of that Burden. But our Present King came on purpose, as appears by his Two Declarations, to discharge the Crown of all Arbitrariness, and to reduce it to the Standard: So that if our Parliaments do not pursue the Ends of those Declarations which are Annexed to the Crown, and are the Foundation of this Government, they betray the Nation, and are Worse to us than the Pensioner Parliament was.

2dly, The second Thing which I propounded, was to Consider the Point of Defending our Rights with Reference to this *Revolution*. In which I shall carefully Distinguish betwixt the English Right of Self-

Self-Defence, and the welcome Assistance of the Prince of *Orange*, which came like a Hand out of the Clouds to Help us.

First I say, That if the People of *England* have not a Right to Defend their Liberties and Properties against Tyranny, they have neither Liberties nor Properties.

2dly, When this Nation falls under Tyranny, they must be Delivered either by *Miracle* or *Means*; Not by *Miracle* (as a Great Man very Truly said,) and therefore we must use the *Means*.

3dly, If we have not a Power within our selves to Preserve our selves, then (as Mr. *Manwood* said in *Queen Elizabeth's Time in Parliament*) *The Realm is no Realm*, but we depend upon some body from Abroad.

4thly, I say, That neither the Duke of *Hanover*, nor any other Foreign Prince who is Related to the Royal Family, is Guarantee to the Coronation Oath and the Oath of Allegiance,

giance, which are the Terms of this Government.

5thly, That if the Prince of *Orange* had not come in by the Sollicitation and Consent of the English People, it had been a Proper Invasion.

6thly, The Original Right, which the People of *England* have to Defend themselves, enables them to Call for Assistance whenever they are be-set and cannot help themselves, and to Pray in Aid : And here this Happy Revolution Centers. For it would be a strange Thing to me, That any Person who only looks over the Hedge, should have more Right to Defend a Man's Freehold, than the Owner himself, who is upon the Premises.

And thus I have done with the *Maxim* about *Defence*, and come at last to our Author's *Touchstone of Maxims*, which is, *That all which tend to the inevitable Destruction of Cities and Societies, as indifeasable Allegiance does,*

does, are *False Maxims*. But what then is become of their Darling Maxim with which their Churches used to Echoe in the Exclusion-Time, *Fiat Justitia, pereat Mundus*; Let the Duke of York have his No Right, though the World go to wreck: For that was the true English of it. True or False they have no Maxims nor Principles at all, for they are steddy in none. For is not *Fiat Justitia pereat Mundus*, as True a Maxim in an Abdication as in an Exclusion? It is with some Assurance that I speak it, because I have already proved it, That Allegiance is a rigid, obstinate, unalterable and *Indefeasible Thing*, and that it must be *Dissolved* by one of the two Parties themselves; but is Impossible to be *Dissolved* by any Third Person.

I had but Two Maxims in the World in reference to State-matters, the one was that *Honesty is the Best Policy*, and the other was that *Allegiance is Indefeasible*; and he is a going to take away my last Maxim from me, which I will not part with, because I have Sworn it to King *William* and Queen *Mary*.

I said I would not part with my *Indiffesable Allegiance*, but he brings a whole Posse upon me to prove it false, in these words. *And this is the Opinion in which all who have considered this Matter, either as Lawyers as Casuists do agree.* Now I say, That All his Lawyers and Casuists never said a word of Truth in their whole Lives : For All Lawyers and Casuists are None ; and He having named No body, I have Affronted No body. But whenever he pleases to name his Lawyers and Casuists, and produce their strong Reasons against my *Indiffesable Allegiance*, I will talk with them round : In the mean time I am weary, and break off here.

F I N I S.

Books written by the Reverend Mr. Samuel Johnson.

Julian the Apostate: Being a short Account of his Life; the Sense of the Primitive Christians about his Succession, and their Behaviour towards him: Together with a Comparison of Popery and Paganism.

Julian's Arts to undermine and extirpate Christianity: Together with Answers to *Constantius the Apostate* and *Julian*.

Remarks upon Dr. Sherlock's Book, intituled, *The Case of Resistance of the Supreme Power stated and resolved, according to the Doctrine of the Holy Scriptures*.

Reflections on the History of Passive Obedience.

A second five Year's Struggle against Popery and Tyranny; being a Collection of Papers published by the Reverend Mr. *Samuel Johnson*, during his last Imprisonment of five Years and ten Days. Wherein are contained these following Tracts. (1.) A Sermon preached at *Guildhall-Chappel*. (2.) The Church of *England* by Law established, &c. (3.) Godly and wholsome Doctrine, and necessary for these Times. (4.) A short Disswasive from Popery, and from Countenancing and Encouraging Papists. (5.) A Parcel of wry Reasons, wrong Inferences, but right Observator. (6.) An Oration of Mr. *John Hale*. (7.) Several Reasons for the establishing a standing Army, and the dissolving the Militia. (8.) Four Chapters. 1. Of Magistracy. 2. Of Prerogative by Divine Right. 3. Of Obedience. 4. Of Laws. (9.) The Grounds and Reasons of the Laws against Popery. (10.) An Humble and Hearty Addres to all the English Protestants in King *James's* Army. (11.) The Opinion, that Resistance may be used in case our Religion and Rights should be invaded. (12.) The Trial and Examination of the New Test of the Church of *England's* Loyalty. (13.) Reflections upon the Instance of the Church of *England's* Loyalty. (14.) The absolute Impossibility of Transubstantiation demonistrated. (15.) Bishop *Ridley*'s Letter to Bishop *Hopper*, with some Observations on it. (16.) A Letter from a Freeholder, to the rest of the Freeholders of *England*. (17.) Religion founded upon a Rock. (18.) The True Mother Church.

An Argument proving, That the Abrogation of King *James* by the People of *England* from the Regal Throne, and the Promotion of the Prince of *Orange*, or of the Royal Family, to the Throne of the Kingdom in his stead, was according to the Constitution of the English Government, and Prescribed by it. In Opposition to all the false and treacherous Hypotheses, of Usurpation, Conquest, Defection, and of taking the Powers that *Are* upon Content.

An Essay concerning Parliaments at a Certainty; or, the Kalends of *May*.